



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 2, 2019

Orangetown Zoning Board of Appeals
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 70.19-1-45

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 8/23/2019

Date Review Received: 9/13/2019

Item: *INSTRUMENTATION LABORATORY (O-1920E)*

Variations to permit the construction of a 23,304 SF addition to an existing 99,335 SF building, an expansion of the parking lot, and the approval of an accessory structure. The parcel is located on 8.817 acres in the LO zoning district. The variations required include a detention basin within the front yard along NYS Route 303, parking within the front yard, rear yard, rear yard obstructed by a wooden lean-to structure, and accessory buildings closer than 15 feet to the primary building.
Southwest corner of NYS Route 303 and Glenshaw Street

Reason for Referral:

NYS Route 303

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

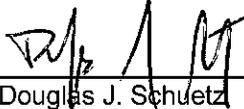
****Recommend the following modifications***

1 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. Parking is proposed within the front yard, where no parking is permitted. In addition, the rear yard setback to the new one-story addition is only 58% of the required bulk requirement while the rear yard setback to the existing lean-to structure is only 47% compliant. The ability of the existing infrastructure to accommodate increased density on non-conforming parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development.

2 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

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- 3 The applicant must comply with the conditions of the Rockland County Health Department in their letter of July 5, 2019.
- 4 The applicant must comply with the conditions of the Rockland County Highway Department in their letter of September 23, 2019.
- 5 The Town shall be satisfied that all other applicable provisions of the Route 303 Overlay Zone have been addressed.
- 6 The map notes provided on the site plan shall include all appropriate information, including district information.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Health
New York State Department of Transportation
Rockland County Department of Highways
EI Associates Architecture & Engineers, PA

Donald Brenner

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.