

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 20, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 77.11-3-55

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 4/10/2019

Date Review Received: 4/18/2019

Item: *LORETTA JARA SUBDIVISION (O-2374)*

Two-lot subdivision of 1.24 acres in the R-15 zoning district. A street front variance will be required for Lot B.

Northeast corner of Oak Tree Road and Washington Lane

Reason for Referral:

Washington Street (CR 8), Sparkill Creek

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:

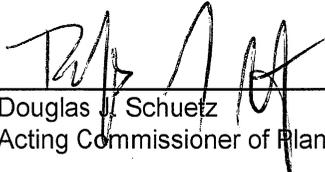
****Recommend the following modifications***

1 Note 16 in the "Notes to Use and Bulk Table" states: "As part of any minimum lot area requirement for residential uses, not more than fifty percent (50%) of any and under water, within a freshwater wetland, subject to flooding or within the one-hundred-year frequency floodplain, within easements or rights-of-way for sanitary or storm sewers, drainage, access or overhead utilities or with slopes (unexcavated) of over twenty-five percent (25%) shall be counted and within the designated street line of a road." Several areas of the site appear to have slopes that are greater than 25%. These areas include the western and northern areas of the site, and seem to have slopes of approximately 31.5% and 36.9% respectively. A slope analysis must be done to determine if there are areas on the site that contain slopes in excess of 25%. If it is found that there are, then the lot area and floor area ratio calculations must be revised to reflect these deductions.

2 There currently exists two dwellings on the site. The subdivision will result in Lot A still retaining the two residences, though now on a much smaller lot. It must be determined if this is a permitted use; if not, then a use variance may need to be sought.

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- 3 Section 5.152. of Chapter 43 states: "Spacing of multiple residential buildings. No multiple residential buildings shall be closer to any other multiple building on the same lot than the height of the taller of the two buildings." The distance between the two existing residential buildings is approximately 14 feet. The Town of Orangetown Planning Board must confirm that the distance between these two residential buildings conforms to the Zoning Ordinance. A variance may need to be sought if they do not comply.
- 4 The tax parcel identification number on the application form is listed incorrectly as 77.11-3-5. The Town must check to ensure that the public hearing notice contains the correct parcel ID#, 77.11-3-55. If it does not, then the public hearing notice must be corrected and re-issued.
- 5 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 6 A review must be completed by the Rockland County Drainage Agency, and any concerns addressed and required permits obtained.
- 7 A review must be completed by the County of Rockland Department of Health and any required permits obtained.
- 8 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 we request the opportunity to review any variances that may be needed to implement the proposed subdivision, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



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Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health

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**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.