Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 22, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.15-1-3

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/18/2019 **Date Review Received:** 8/7/2019

Item: ***LOWE'S OF ORANGEBURG (O-1212BB)***

Site plan to resolve violations issued July 11, 2018 for an existing retail establishment located in the LI zoning district on 12.03 acres. The site plan revisions include delineating areas for outdoor sales, product storage, trailer storage, and fire lane designations.

West side of NYS Route 303, east side of Greenbush Road, north side of Stevens Way

Reason for Referral:

NYS Route 303, Western Highway, RC Sewer District No. 1 facility, 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 The site plan shall contain a bulk table that shows the plans are in compliance with the bulk standards of the LI zoning district.

2 The site plan, dated July 18, 2019 indicates variances are requested to provide outdoor sales and storage, to place outdoor storage in side and rear yards, and for parking. This should be updated to reflect the fact that these variances have been granted at the May 1, 2019 Zoning Board of Appeals meeting, ZBA #19-45.

3 An updated review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and required permits obtained.

LOWE'S OF ORANGEBURG (O-1212BB)

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

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
New York State Department of Transportation
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1

Maser Consulting P.A.

**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.