

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

December 9, 2019

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

**Tax Data:** 70.06-1-13

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

**Map Date:** 10/20/2018

**Date Review Received:** 11/13/2019

**Item:** *MERCADO/197 LEBER ROAD (O-2394)*

Variance for total side yard to permit a two-story addition and new wooden deck for an existing single-family dwelling located on 0.497 acres in the R-15 zoning district.

West side of Leber Road, approximately 46 feet north of North Moison Road

**Reason for Referral:**

NYS Route 303, Leber Road (CR 36), Blauvelt State Park

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 applicant must comply with the comments made by the Rockland County Highway Department in their letter of November 18, 2019.
- 2 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and any required permits obtained.
- 3 The site plan must contain a bulk table that shows compliance with the bulk standards for the R-15 zoning district. A note shall be attached to the bulk table that states a variance for total side yard is required. In addition, a vicinity map, that contains a north arrow and scale, and map notes that include all appropriate information, including district details, must also be provided on the site plan.

**MERCADO/197 LEBER ROAD (O-2394)**

4 It must be clarified as to what the roman numerals refer to on the site plan.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
Rockland County Department of Health  
Rockland County Department of Highways  
New York State Department of Transportation  
Palisades Interstate Park Commission

Lamberto S. Santos  
Atzl, Nasher & Zigler P.C.

Cesar M. Abella

*\*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.*