

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 16, 2019

Orangetown Town Board
26 Orangeburg Road
Orangeburg, NY 10962

Tax Data: 68.16-6-67

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

Map Date:

Date Review Received: 11/18/2019

Item: *TOWN OF ORANGETOWN - PAC REZONING (O-2347B)*

Zoning Map amendment to rezone a 0.54-acre parcel, located in the CS zoning district, to the PAC zoning district. A new second and third floor will be added over the existing first floor, for a total of 18,300 square feet. This new space will be used for sixteen one and two-bedroom senior rental housing units, with the first floor remaining as commercial stores. The Town previously adopted a PAC designation for this property, however a recent Local Law amendment now requires the Town Board (rather than the Zoning Board of Appeals) to approve additional lot and bulk requirements, as well. The additional requirements being sought are for lot size, floor area ratio, and number of parking spaces.

East side of North William Street, west side of North Main Street, approximately 161 feet north of East Central Avenue

Reason for Referral:

East Central Avenue (CR 30)

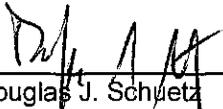
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 The proposed site seems to be very deficient in meeting many of the criteria needed for the zone change to the PAC Overlay Zone. The site is undersized in acreage by 46%. The proposed density is 322% greater than permitted and the floor area ratio is over 187% greater than allowed. The required on site parking is also deficient by over 44%. In addition, the requirement of Section 4.610. to provide recreational facilities, site improvements, visitor parking, walks, clubhouse, gatehouse, landscaping, or buffer areas is not considered. The size of the building must be reduced so the extent of the required variances are lessened and buffers and other amenities can be included in the proposal.
- 2 The Orangetown Town Board must be satisfied that all of the criteria for the rezoning of the parcel to the PAC Overlay Zone, as required under Section 4.6 of Chapter 43 are met.

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- 3 A review must be completed by the County of Rockland Department of Highways and any concerns addressed.
- 4 The application materials refer to the tax parcel as 68.16-67, with the block being omitted. This should be corrected to 68.16-6-67.



Douglas J. Schletz
Acting Commissioner of Planning

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

**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.