

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 5, 2019

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

Tax Data: 68.20-1-21

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

Map Date: 6/1/2019

Date Review Received: 7/18/2019

Item: *PILGRIM BUILDING CORP. (CLAUDIO SIGCHA/16-18 FRANKLIN AVENUE) (O-2380)*

Variance to permit no parking spaces where 13 are required for a non-conforming multi-family dwelling located on 0.077 acres in the CS zoning district. The existing 477 SF attic will be converted to a one-bedroom apartment and the two first-floor apartments are to be combined into one, while the second floor apartment remains unchanged, for a total of four apartments. A sprinkler system is also proposed for the third floor.

Southeast corner of Franklin Avenue and Ridge Street, approximately 180 feet east of South Main Street

Reason for Referral:

West/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 We are concerned with the need of a variance for no parking spaces. Insufficient parking can impede the safe and efficient flow of traffic and create unsafe access conditions, multiple movements to and from the roadway, and result in the need for illegal street parking. The Town must monitor the site's parking usage to ensure that vehicles are not parking within any road rights-of-ways. An analysis should be performed to confirm the commercial street or municipal parking can handle the cars that tenants of four apartments and a commercial space will provide.

2 A bulk table listing setbacks, floor area ratio, and other required measurements must be provided. This information is critical in assessing the proposed use to the existing uses currently in the area. Without this information, it is difficult to evaluate the building needs with the other surrounding uses.

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3 The "Application for Building Permit" states there are three existing apartments with one being added, for a total of four apartments, whereas the "2019 Land Use Board Application" states the project is to expand four apartments to make one apartment larger. The amount of apartments must be clarified and all materials must remain consistent.

4 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.

5 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

6 A review must be completed by the County of Rockland Office of Fire and Emergency Services and any comments addressed.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
CDS Architect, PC

Claudio Sigcha

**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.