



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

September 25, 2019

Orangetown Zoning Board of Appeals

21 Greenbush Road

Orangeburg, NY 10962

Tax Data: 77.08-5-16

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

Map Date: 6/30/2019

Date Review Received: 8/28/2019

Item: *ROOST RESTAURANT AT 2 UNION STREET (O-552E)*

Variances to permit renovations to a cultural arts center that include the a larger kitchen and the addition of a bar and an accessible bathroom on the first floor. The parcel is located on 0.11 acres in the CS zoning district. The variances required include off-street parking, accessory structure distance to primary structure, unobstructed side yard, front yard, and rear yard.

Southwest corner of Union Street and Paulding Place

Reason for Referral:

Union Street (NYS Route 340), Valentine Avenue (NYS Route 340), Main Street (NYS Route 340 & CR 8), Village of Piermont

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:

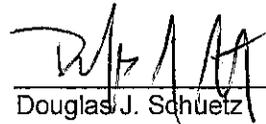
****Recommend the following modifications***

1 We are concerned that no parking spaces are being provided for this site given the fact that it is located on a State highway. 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 parking within the State and County right-of-ways. The municipal lot is located across Main Street, creating safety concerns for pedestrians walking to and from their vehicles. Under no circumstances can any vehicle park within the State right-of-way or on the sidewalk for even temporary parking, as this will impede the safe and efficient flow of traffic and create unsafe conditions.

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 municipal lot can handle any additional cars that these renovations will provide.

ROOST RESTAURANT AT 2 UNION STREET (O-552E)

- 2 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 3 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.
- 4 The Village of Piermont is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 452 feet northeast of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Piermont must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.
- 5 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 6 The bulk table indicates a variance for front yard is required to accommodate the new walk-in cooler. However, a rear yard variance is listed on the application materials instead. It must be confirmed which yard requires the variance for the walk-in cooler, and the appropriate changes made so that all materials are consistent. If the public hearing notice was issued with the incorrect yard variance, then a new notice shall be issued with the proper information.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Kier B. Levesque, RA
Village of Piermont

Maria Santini

**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.