Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 1, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 71.05-2-29 71.05-2-24

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 8/8/2019 **Date Review Received:** 9/5/2019

Item: ***RUBANO RESUBDIVISION (O-2360B)***

Lot merger of two lots, located on 0.19 acres in the RG zoning district, into one lot. A single family dwelling will be constructed on the parcel that will require variances for lot area, front yard, and rear yard. East side of US Route 9W and South Broadway, west side of the Erie Lackawanna Railroad right-of-way, opposite Old Mountain Road, and south of the intersection of South Broadway with the railroad right-of-way

Reason for Referral:

US Route 9W, Old Mountain Road (CR 28), Village of Grand View-on-Hudson, River Road (CR 1)

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 An updated review must be completed by the New York State Department of Transportation, and all required permits obtained.

2 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

3 The comments in the July 1, 2019 letter from the Rockland County Highway Department must be met.

4 The comments in the September 26, 2019 letter from the Rockland County Health Department must be met.

5 The Village of Grand View-on-Hudson is one of the reasons this proposal was referred to this department for review. The municipal boundary touches the southeastern property line of the site. As required under Section 239nn of the State General Municipal Law, the Village of Grand View-on-Hudson must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.

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6 The legend on the site plan must indicate what the shaded area on the map represents.

7 The engineer has now drawn a portion of South Broadway on the plans, but the southern portion that intersects with US Route 9W is missing. The complete street must be provided, especially since the access is from this roadway.

8 We request the opportunity to review any variances that may be needed, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

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 Department of Highways
Rockland County Drainage Agency

Anthony R. Celentano P.L.S.
Village of Grand View-on-Hudson Planning Board

Dwight D. Joyce, Esq.

**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.