



# 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

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

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

April 11, 2019

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

**Tax Data:** 68.20-1-13

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

**Map Date:** 7/23/1997

**Date Review Received:** 3/22/2019

**Item:** *TF NOONAN'S INC. (O-2370)*

Parking variance to permit the renovation of an existing building to be used as additional restaurant space for a parcel located in the CS zoning district on .17 acres.

South side of East Central Avenue, approximately 96 feet west of South William Street

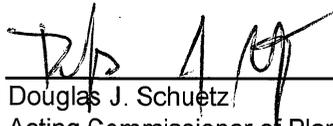
### Reason for Referral:

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 comments in the April 2, 2019 letter from the Rockland County Highway Department must be met.
- 2 The cover sheet from the Town of Orangetown states that 25 parking spaces are required, and 0 provided. The paperwork from the Orangetown Building, Zoning, Planning, Administration and Enforcement indicate that 11 additional parking spaces are required. It must be clarified if the 25 spaces required are for both buildings (existing and the space to be refurbished) so that all information is consistent.
- 3 Though on-street parking is in the vicinity of the restaurant, 25 parking spaces is a significant number to provide along the street. The applicant must identify other locations that the patrons of the restaurant can use to park their vehicles.




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Douglas J. Schuetz  
Acting Commissioner of Planning

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

**TF NOONAN'S INC. (O-2370)**

*\*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.*