



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
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**Douglas J. Schuetz**  
*Acting Commissioner*

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

October 29, 2019

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

**Tax Data:** 68.12-1-44

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

**Map Date:** 10/8/2019

**Date Review Received:** 10/16/2019

**Item:** *WEST LEWIS MINOR SUBDIVISION (O-2382A)*

Variances to permit a two-lot subdivision located on 0.44 acres in the RG zoning district. The variances required for Lot 1 include lot area and rear setback. A rear setback variance is also required for Lot 2. North side of West Lewis Avenue, South side of West Carroll Street, approximately 116 feet east of Railroad Avenue

**Reason for Referral:**

NYS Route 304

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 As indicated in the September 19, 2019 letter from the Rockland County Health Department, an application must be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.
- 2 The site plan shall include map notes that list all appropriate information, including the district details.
- 3 The site shall be located in the center of the vicinity map on the Topographical Survey sheet.

Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
New York State Department of Transportation  
Rockland County Department of Health  
Joseph G. Thompson Architect, PLLC

## WEST LEWIS MINOR SUBDIVISION (O-2382A)

Koestner Associates

*\*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.*