

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 17, 2020

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 68.20-1-1./40

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 5/21/2020

Date Review Received: 7/28/2020

Item: **4-6 DEXTER PLAZA EXTERIOR STAIRS (O-840.5DD)**

Site plan for the installation of a new exterior stairway for an approximately 0.59-acre existing building located on a total of 7.7 acres in the LI zoning district.
Southeast corner of West Central Avenue and South Pearl Street

Reason for Referral:

West & East Central Avenue (CR 30), North & South Pearl Street (NYS Route 304), Muddy Creek

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 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.
- 2 A review must be completed by the County of Rockland Drainage Agency, and any required permits obtained.
- 3 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and any required permits obtained.
- 4 The stairway is proposed to be located over an existing parking space, and exiting into another space. These spaces must be removed or relocated to a new area.
- 5 Aerial imagery available to our department depicts vehicles parked in the fire lane just south of the building where the stairs are proposed to be installed. Vehicles must not be permitted to park in this area.
- 6 A parking calculation shall be provided to ensure there is an adequate number of parking spaces being provided.

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7 The 2020 Land Use Board Application and SEAF indicate the site is 1.13 acres. It must be clarified as to where this number came from as the entire site is approximately 7.7 acres while the building is close to 0.59 acres.



Douglas W. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Drainage Agency

Albert Dattoi
Jay A. Greenwell

Thomas Bertussi & Mirtha Quintana

**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.