

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

April 22, 2020

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.09-1-64

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

Map Date: 1/14/2020

Date Review Received: 4/1/2020

Item: *BETHANY MAR THOMA CHURCH (O-207H)*

Site plan for the construction of an approximately 2,800 SF addition to an existing church located on 1.05 acres in the R-80 zoning district. The existing parking, which encroaches onto the property to the east, will be removed and relocated completely on the property. The multi-purpose court will also be removed and replaced by a lawn area.

North side of Old Orangeburg Road, approximately 300 feet east of First Avenue, opposite the connecting road to Orangeburg Road

Reason for Referral:

Orangeburg Road (CR 20), Rockland Psychiatric Center, NYS Armory

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 done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- 2 A review must be completed by the Rockland Psychiatric Center, and any comments or concerns addressed.
- 3 A review must be completed by the New York State Division of Military and Naval Affairs, and any comments or concerns addressed.
- 4 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.

BETHANY MAR THOMA CHURCH (O-207H)

- 6 The Board must determine if the provided snow storage areas are sufficient for the 43 proposed parking spaces, or if more areas are necessary.
- 7 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.



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Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
Rockland County Department of Health
Rockland County Department of Highways
Rockland Psychiatric Center

Atzl, Nasher & Zigler P.C.
New York State
Division of Military and Naval Affairs

**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.