

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 13, 2020

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 70.14-4-20

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

Map Date: 9/14/2020

Date Review Received: 9/22/2020

Item: *MCLAUGHLIN & ASSOCIATES GENERATOR PLAN (O-1900F)*

Site plan for the installation of a 22kw generator and a 200A automatic transfer switch for an existing building located on 0.626 acres in the LO zoning district.

West side of NYS Route 303, approximately 65 feet north of Walnut Street

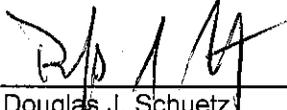
Reason for Referral:

NYS Route 303, Spruce Street (CR 28)

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 applicant must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources for the proposed generator.



Douglas J. Schuetz

Acting Commissioner of Planning

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

Anthony DeRobertis

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

MCLAUGHLIN & ASSOCIATES GENERATOR PLAN (O-1900F)

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.