



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

February 26, 2020

Orangetown Zoning Board of Appeals

21 Greenbush Road

Orangeburg, NY 10962

Tax Data: 76.08-1-4

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

Map Date: 10/8/2019

Date Review Received: 2/11/2020

Item: *SKAE BUILDING EXPANSION (O-1891Z)*

Variations to permit the construction of a 3,000 square foot pole barn addition to the existing 1,538 square foot rear structure (previously used as a residence), located on the eastern portion of the site of a training facility. The 14.966-acre site is located in the LIO zoning district, and contains an 11,800 square foot gym on the western portion of the site. The variations required include side yard, and total side yard.

East side of Blaisdell Road, north side of the New York/New Jersey boundary, approximately 545 feet south of Ramland Road

Reason for Referral:

Blaisdell Road (CR 17), federal wetlands

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 Permitting new development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development. The building should be relocated or redesigned so that it more closely complies with the Town's bulk standards.

2 An updated review must be completed by the Rockland County Department of Health to ensure compliance with the County Mosquito Code.

SKAE BUILDING EXPANSION (O-1891Z)

3 The variances shown on the bulk table provided on the site plan do not match the variances stated on the cover sheet and memo from the Building Department. The application materials state that the side yard is only 33.5 feet to the accessory structure, and only 55.8 feet to the pole barn addition, and that the total side is only 89.3 feet, where 200 feet is need. The bulk table indicates only a total side yard variance is required. It must be clarified as to which variances are actually required, and the appropriate documents corrected.

4 We previously reviewed a site plan for this parcel in February 2018 for a shed and 75 foot antenna. The site plan that corresponded to that application was dated November 11, 2016, with a revision date of January 2, 2018. The application before us now is dated April 24, 2019, with a revised date of October 8, 2019. However, additions since 2017, such as the 75 foot antenna and shed are not depicted on this set of plans. The plans submitted must contain the most up-to-date information, particularly for approved facilities. A revised site plan illustrating all components of the site must be provided.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
Rockland County Department of Health
Rockland County Department of Highways
United States Army Corps of Engineers

Sparaco & Youngblood, PLLC

Donald Brenner

**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.