

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 27, 2020

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 71.05-1-26

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/16/2019

Date Review Received: 1/13/2020

Item: *SMITH-KRIZ ADDITION (O-2377B)*

Site plan for the construction of additions and alterations to an existing single-family dwelling located on 0.43 acres in the R-22 zoning district and Critical Environmental Area. The modifications include dry set terraces, a two-story addition and basement, extending the gravel driveway, and enclosing the existing porch. Variances for side yard, floor area ratio, and unroofed steps or terrace greater than 16 SF and projecting more than four feet from the exterior wall of a building were previously granted.

Land-locked parcel situated approximately 225 feet south of Old Mountain Road and 329 feet east of South Boulevard

Reason for Referral:

Old Mountain Road & South Boulevard (CR 28), Blauvelt State Park

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 per their letter dated January 23, 2020, the applicant must comply with the comments made by the Rockland County Highway Department in their letter of October 29, 2019.
- 2 An updated review must be completed by the Rockland County Department of Health. In addition, the applicant must comply with the comments made by them in their letter of December 2, 2019.
- 3 A review must be completed by the New York State Department of Environmental Conservation and any required permits obtained.
- 4 A note shall be placed on the bulk table stating that variances for floor area ratio, side yard, and unroofed steps or terrace greater than 16 SF and projecting more than four feet from the exterior wall of a building were granted on December 4, 2019 at ZBA #19-107.

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- 5 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.
- 6 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 7 The notes included on sheet T-2.1 of the site plan shall contain the district details.



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Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
New York State Department of Environmental Conservation
Palisades Interstate Park Commission
Rockland County Department of Health
Rockland County Department of Highways

Jeffrey Hall Architect, P.C.
Robert E. Sorace, PLS

**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.