Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 10, 2020

Orangetown Zoning Board of Appeals
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 68.19-2-15

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/31/2020 **Date Review Received:** 8/11/2020

Item: ***SORCE, ASSUMMA & SHANKEY FUNERAL HOME (O-2399A)***

Variances to permit the construction of a 250 SF, one-story addition to an existing funeral home located on 0.23 acres in the RG zoning district. The variances required include floor area ratio, front yard, side yard, building height, number of parking spaces, and location of accessory buildings.

Southeast corner of West Washington Avenue and North Summit Street

Reason for Referral:

West Washington Street (CR 30), North Pearl Street (NYS Route 304)

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 number and magnitude of the required variances must be clarified. The Referral Form and Office of Building, Zoning, Planning Administration and Enforcement submission state variances are required for floor area ratio, front yard, side yard, number of parking spaces, and the location of accessory structures. However, the bulk table on the site plan indicates variances for floor area ratio, side yard, and building height are required.

In addition, the Referral Form indicates the proposed floor area ratio is 66% while the other materials indicate it is to be 63%. The bulk table also states the proposed side yard to the addition is 7.6 feet when the other materials state 7.3 feet. These inconsistencies must be clarified, and the proper forms updated so all materials remain consistent. If the public hearing notice was issued with incorrect information, it must be corrected and reissued.

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2 Permitting 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. The floor area ratio exceeds the permitted standard by 110%. The ability of the existing infrastructure to accommodate increased density on undersized parcels is a countywide concern and must be evaluated. 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.

3 The applicant must comply with the comments made by the Rockland County Highway Department in their letter of August 17, 2020.

4 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

5 A note must be placed on the parking tabulation on the site plan indicating a variance is required.

6 The site plan shall include map notes that list all appropriate information, including the district details.

Douglas J. Schuetz
Acting Commissioner of Planning

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

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.