

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 30, 2020

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 77.15-1-41	77.15-1-37	77.15-1-36
77.15-1-35	77.15-1-34	77.15-1-33

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 2/17/2020

Date Review Received: 3/4/2020

Item: *TAPPAN PLAZA SUBDIVISION (O-724R)*

Resubdivision of six existing lots to create three new lot configurations, while maintaining three lot configurations, for parcels located on a total of 11.19 acres in the CS and LIO zoning districts. An approximately 20,000 SF portion of the existing building located on the site is to be demolished, with a proposed 25,656 SF supermarket to be constructed in its place. The rest of the existing buildings are to remain.

East side of NYS Route 303, north side of the New York-New Jersey border

Reason for Referral:

NYS Route 303, Sparkill Creek, 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 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 2 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 3 A review must be completed by the County of Rockland Drainage Agency, and any required permits obtained.
- 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 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

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- 6 The existing and proposed lot lines must be made clearer on the subdivision plats. For example, the new Lot 6 does not illustrate the existing tax parcel boundary.
- 7 The proposed plans shall comply with the Route 303 Overlay Zone, to the extent applicable.
- 8 We request the opportunity to review any variances that may be needed to implement the proposed subdivision, as required by New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
New York State Department of Transportation
Rockland County Department of Health
Rockland County Drainage Agency
United States Army Corps of Engineers

Bohler Engineering

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.