

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 29, 2020

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 77.15-3-18

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

Map Date: 8/5/2020

Date Review Received: 9/21/2020

Item: *THE CARPENTRY SHOP (O-2205A)*

Conditional use permit to allow a light manufacturing use located on a 1-acre parcel in the LIO zoning district. The facility will also be used as an office and a showroom.

Northwest corner of Oak Tree Road and Rockland Park Avenue

Reason for Referral:

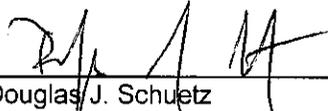
Sparkill Creek

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 Conditional Uses are subject to a higher standard of review than as-of-right uses. The Town Planning Board shall be satisfied that the proposed light manufacturing use complies with the general standards for conditional uses outlined in Section 8.1 of the Town Code.
- 2 A review must be completed by the County of Rockland Drainage Agency, and any required permits obtained.
- 3 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 4 The number of employees must be provided, as well as a parking calculation, to ensure there is adequate parking in compliance with the minimum required off-street parking spaces for the LIO zoning district found in Column 6 of the Table of General Use Regulations.
- 5 As per Column 4 of the Table of General Use Regulations, light manufacturing uses are subject to the performance standard procedure. We request the opportunity to review the performance standards for this conditional use, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

THE CARPENTRY SHOP (O-2205A)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
Rockland County Department of Health
Rockland County Drainage Agency

Natalie M. Dion

**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.