Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 20, 2019

Suffern Planning Board
61 Washington Avenue
Suffern, NY 10901

Tax Data: 54.35-2-6

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/6/2018 **Date Review Received:** 2/15/2019

Item: ***ORANGE AVENUE DEVELOPMENT (SU-312F)***

Revised site plan to allow the installation of a perimeter fence along the northern property line of a 1.51-acre site in the TDD zoning district. A 92-unit, multi-family building is currently being constructed. The fence will provide security and privacy. In addition, a 3,583 SF underground electric distribution easement will be provided to Orange and Rockland Utilities.

East side of Orange Avenue, north side of Chestnut Street and Blauvelt Way

Reason for Referral:

NYS Route 202 (Orange Avenue), NYS Route 59 (Lafayette Avenue)

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 proposed fence must comply with the provisions of Section 266-15.K.

2 It is unclear if the 11 parking spaces shown along Orange Avenue, just south of the proposed apartment building, are intended to serve as parking for the project. This must be clarified.

3 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

ORANGE AVENUE DEVELOPMENT (SU-312F)

4 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Edward Markunas, Suffern
New York State Department of Transportation
New York State Department of Environmental Conservation
Rockland County Department of Health
New York State Department of State
Rockland County Office of Fire and Emergency Services
Suffern Fire Department

Brooker Engineering, PLLC

Joshua Goldstein/Orange Avenue Apartments, LLC.

**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.