



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

December 3, 2013

ARLENE R. MILLER
Deputy Commissioner

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.15-1-21

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

Map Date: 10/30/2013

Date Review Received: 11/14/2013

Item: ORANGEBURG COMMONS SITE PLAN (O-1876S)

Site plan for the proposed modifications to a mixed-use development on 15.8 acres in the LI zoning district and Route 303 Overlay Zone. Modifications include the relocation of the approved bank building, redistribution of certain parking spaces and increase in the number of spaces from 640 to 668, addition and changes to retaining walls, relocation of the pylon sign, relocation of the transformer pad for the Residence Inn, and installation of the storage shed and dumpster/compactor enclosure pad for the Residence Inn building.

Southwest corner of NYS Route 303 and Stevens Way

Reason for Referral:

NYS Route 303, Palisades Interstate Parkway, Greenbush Road (CR 15)

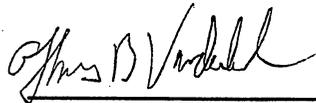
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 An updated review shall be done by the New York State Department of Transportation, and all required permits obtained.
- 2 An updated review must be completed by the Palisades Interstate Park Commission and their comments considered.
- 3 The comments in the November 26, 2013 letter from the Rockland County Department of Health must be met.
- 4 The bus shelter location should be labeled on the site plan.

ORANGEBURG COMMONS SITE PLAN (O-1876S)

- 5 We request that consideration be given to the provision of a minimum of 50 designated shared parking spaces near NYS Route 303 to serve as a park and ride lot. (The Town Board Special Permit Approval in Resolution 658, page 18, required that the applicant consult with the Rockland County Department of Public Transportation to address this issue, prior to site plan approval.)
- 6 No landscaping plans were submitted with this review, because it was stated that no material changes were being made to the plans. However, this new site plan now contains a split rail fence with CLF and a wall along the boundary of the subject property and the Palisades State Parklands. New landscaping plans must be provided in the areas where these stone walls are now proposed, as they may change the landscaping originally proposed.
- 7 The plans call for a split rail fence with "CLF." Does "CLF" refer to "chain link fence?" If so, what is the reasoning for having a split rail fence, a chain link fence, and a wall? This must be clarified.
- 8 Wall elevations must be provided for the top of wall, and bottom of wall so that the overall height of each of the walls can be determined. In the areas where wall heights are excessive (over five feet in height), the Town should consider requiring that the walls be tiered to no more than four feet each, and that supplemental landscaping be provided to help conceal the massive wall face.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Highways
Rockland County Department of Health
Leonard Jackson Associates
Hoeherman Tortorella & Wekstein, LLP

**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.