COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

November 10, 2014

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 73.20-1-30

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

Map Date: 10/6/2014

Date Review Received: 10/10/2014

Item: ***50 RAMLAND ROAD - WIRELESS EDGE TOWERS (O-2096F)***

Special permit and site plan for the proposed installation of a 150' monopole wireless communication facility, with related equipment, on a 10.09 acre parcel in the LIO zoning district. A 6,300 sq. ft. fenced compound area will be leased for the proposed wireless communication facility. Variances for side and rear yards are also required.
East side of Blaisdell Road, south side of Ramland Road

Reason for Referral:

Blaisdell Road (CR 17), 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 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.

2 A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

3 The lease area on the Application Form and the Memorandum in Support of Application indicate that a 6,300 sq. ft. area will be fenced and used for the proposed telecommunication facility. The Lease Exhibit, Exhibit B, and the Application for Building/Demolition Permit both indicate that the lease area is proposed to be 6,900 Sq. Ft. This discrepancy must be resolved.

4 The location of the identification sign, as required in Chapter 43, Section 8.15F(3), must be shown on the site plan.

50 RAMLAND ROAD - WIRELESS EDGE TOWERS (O-2096F)

5 The applicant must demonstrate that all conditions in Section 8-15L.(2) and (4) have been met. The proposed wireless telecommunication facility is being located within the 100' buffer of the greenbelt line. Since these facilities may not be located within buffers shown on an approved site plan or in a conservation or similar easement, a variance for its location may be required, or the location of the facility be moved. In addition, the applicant has not proven that the proposed height is the minimum height necessary for adequate operation to meet the applicants' communication needs and the aesthetic intrusion has been minimized to the greatest extent practicable. In fact, Exhibit 4, FCC Compliance Report, notes "there are no identifiable national or regional operators to include in the analysis," indicating that the proposed 150-foot tall tower, is substantially higher than may be needed. The applicant must demonstrate that the height and location are consistent with the special permit requirements.

6 Though the applicant states that the Facility is strategically located, and that it is screened by mature vegetation and proposed landscaping, as required in Section 8-15M(1), a visual analysis must be done using graphic information that accurately portrays the visual impact of the proposed tower from various vantage points selected by the Planning Board, such as but not limited to parks, designated historic sites or districts or designated scenic areas. This graphic information may be provided in the form of photographs or computer-generated images with the tower superimposed, as may be required by the Planning Board.

7 The landscaping plan only shows that Arborvitae will be planted outside of the fenced area. As required in Section 8-15 N.(3), any antenna facility requiring a tower or pole shall plant trees around the facility of a minimum height of 10 feet at planting that will, over time, reduce the visual impact from the tower or pole. The Planning Board must determine if the existing vegetation is sufficient to meet this requirement.

8 A grading plan must be provided of the site disturbance around the proposed facility. It is not clear how extensive the onsite grading will be. Topography, elevations, and other ground measurements must be provided on this plan. No disturbance to the wetlands or grading within its boundary can be allowed.

9 The proposed silt fencing ends midway to the equipment building, and does not continue completely around the site. Erosion control measures must completely surround the site, as ground disturbance for installation of the fencing, landscaping, etc. will occur past the proposed silt fencing, especially since Federal wetlands are located less than five feet from the fenced area.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
United States Army Corps of Engineers
French & Parrello
Leslie Snyder, Snyder & Snyder, LLP

Wireless Edge Towers, 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.*

50 RAMLAND ROAD - WIRELESS EDGE TOWERS (O-2096F)

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.