



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

February 7, 2014

ARLENE R. MILLER
Deputy Commissioner

Orangetown Zoning Board of Appeals
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 70.06-1-1.12

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

Map Date: 9/1/2010

Date Review Received: 1/14/2014

Item: *AERCO EMERGENCY GENERATOR PERFORMANCE STANDARDS (O-1168DDDD)*

Performance standards for a proposed 150 kw emergency generator for an existing building on 24.69 acres in the LO zoning district.

West side of the railroad tracks, south side of Oritani Drive/Bradley Hill Road

Reason for Referral:

Leber Road

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 Section 12.6.3.3 of the County of Rockland's Sanitary Code states that new fuel burning equipment installations or modifications to existing fuel burning equipment installations that have an input capacity of less than 500,000 BTU per hour are excepted from the provisions of Subsection 12.6.1 of this Article. If the proposed generator has an input capacity of more than 500,000 BTU per hour, a review must be completed by the County of Rockland Department of Health and all required permits obtained.

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

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Health
Vista Electrical Contractors, Inc.

AERCO EMERGENCY GENERATOR PERFORMANCE STANDARDS (O-1168DDDD)

**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.