



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

May 28, 2014

ARLENE R. MILLER  
Deputy Commissioner

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 74.10-1-67

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

**Map Date:** 4/25/2014

**Date Review Received:** 4/28/2014

**Item:** *ORANGETOWN SHOPPING CENTER (O-1112Q)*

Site plan for the proposed improvements to an existing shopping center on 10.98 acres in the CS zoning district. Improvements to the site include: 1) a new primary entrance off of Orangeburg Road; 2) abandoning the present access off of Oak Street; 3) construction of a 2,500 sq. ft. restaurant pad with drive through; 4) a new concrete wall along the northern perimeter of the new concrete pad area; 5) installation of a new fence and gated refuse enclosure; 6) a new concrete wall along the southern portion of the pad parking area; 7) circulation improvements to the site, by re-aligning existing drives; 8) increase in the overall parking capacity by 31 spaces; 9) head-in parking along Building #1; 10) planters along Building #1 to separate patrons from parking area; 11) installation of pedestrian connections to Orangeburg Road and the center interior via a new walkway system along the new entrance drive; 12) construction of a new stairway to provide linkages between the proposed pad and the main shopping center; 13) installation of a new pylon sign at the new entrance; and 14) supplemental landscaping at the new entrance.

South side of Orangeburg Road, east side of Dutch Hill Road, west side of Oak Street, north side of Highview Avenue

**Reason for Referral:**

Orangeburg Road (CR 20), Palisades Interstate Parkway

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 must be completed by the County of Rockland Department of Highways and all required permits obtained. This review must include an analysis of the Traffic Impact Study provided with the application. In addition, the conditions in the March 28, 2014 letter must be met.

**ORANGETOWN SHOPPING CENTER (O-1112Q)**

2 The conditions in the May 6, 2014 letter from the Rockland County Department of Health must be met.

3 The narrative, application, and Short Environmental Assessment Form indicate that the property is 10.98 acres. However, the Overall Layout Plan indicates that the lot area is 10.59 acres. The lot area must be consistent on all documents.

4 The Short Environmental Assessment Form indicates that the total acreage to be physically disturbed is 2,500 sq. ft. This is only the square footage for the proposed building, and does not account for the other disturbed areas on the site, which encompasses a much larger area, as can be seen on the grading and erosion control plan. Since a new access, parking area, retaining walls, and closure of the existing entrance will also disturb the site, the site area to be physically disturbed must include all components of the proposed site improvements. A more accurate square footage must be provided for the site disturbance.

5 The proposed pylon sign must conform to the Town's sign standards, in both size and setback. As proposed, the new sign does not conform to the Town's standards for size or location. The sign must be reduced in size, and relocated further from the lot line so that no variances will be required. A set back of only 7' 6" is not sufficient. It must be set back at least a distance equal to its height, so that it cannot fall within the County right-of-way.

6 Drawing SD-2.2, just east of the new entrance, has labels that seem to be contradictory. The labels state that the "existing walk to remain" but then also states the "existing walk to be removed." This is also the case for the existing pavement - the labels state that it is to remain and be removed. These labels must be clarified and the appropriate one removed.

7 The landscaping plan must be further supplemented to provide low evergreen landscaping in front of the drive-thru access prior to the retaining wall, so that headlights do not shine into the County right-of-way.

8 A lighting plan must be provided that shows fields of illumination. No lighting shall shine into the County right-of-way.

9 Areas dedicated for snow piles must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants.



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

cc: Supervisor Andrew Stewart, Orangetown  
Rockland County Department of Highways  
Rockland County Department of Health  
Palisades Interstate Park Commission  
Rockland County Planning Board  
Atlantic Consulting & Engineering 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.*

## **ORANGETOWN SHOPPING CENTER (O-1112Q)**

*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.*

