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County Executive

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COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING
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ARLENE R. MILLER
Deputy Commissioner

October 16, 2014

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 77.15-1-25 77.15-1-24

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

Map Date: 9/2/2014

Date Review Received: 9/22/2014

Item: WALGREENS SITE PLAN (O-2247B)

Site plan for a proposed 14,624 sq. ft. commercial retail building located on 1.09 acres (after the subdivision has been finalized) in the CS and CC zoning districts.

Southeast corner of Oak Tree Road and NYS Route 303; opposite Lexington Road

Reason for Referral:

NYS Route 303

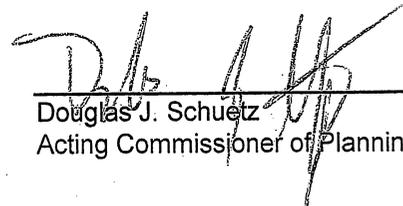
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 An updated review shall be completed by the New York State Department of Transportation and all required permits obtained. In addition, all comments in their May 7, 2014 letter must be satisfactorily addressed.
- 2 The letter dated September 18, 2014 from Antimo Del Vecchio of Beattie Padovano, LLC discusses the changes to the site plan, and how the layout now better conforms with the Orangetown zoning ordinance. However, no discussion is provided as to why an interconnection is not provided or being sought as required in the Route 303 Overlay Zone and as suggested by the New York State Department of Transportation. This could help to reduce the number of access points along the State highway and provide better circulation between the commercial businesses.
- 3 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line and into the State right-of-way.
- 4 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

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- 5 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.
- 6 All proposed signage shall conform to the municipality's sign standards.
- 7 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 8 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- 9 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 10 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Department of Health
Dynamic Engineering

**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.