



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

EDWIN J. DAY
County Executive

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

DOUGLAS J. SCHUETZ
Acting Commissioner

April 7, 2015

ARLENE R. MILLER
Deputy Commissioner

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: 3/2/2015

Date Review Received: 3/10/2015

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

Final 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.

East side of Blaisdell Road, south side of Ramland Road

Reason for Referral:

Blaisdell Road (CR 17), Federal wetlands

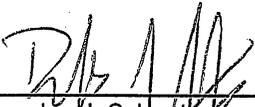
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 The conditions in the March 3, 2015 letter from the Rockland County Department of Highways must be met. All required permits must be obtained.
- 2 An updated review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
- 3 The ACABOR minutes of the February 5, 2015 meeting indicate that a Visual Analysis was prepared for the site. However, since we are not in receipt of that report, the Town Planning Board must ensure that the site is screened by mature vegetation and proposed landscaping, as required in Section 8-15M(1), and that the visual analysis provided graphic information that accurately portrays the visual impact of the proposed tower from various vantage points.

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

4 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, the FCC Compliance Report that was previously submitted with the application, 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.



Douglas J. Schuetz
Acting Commissioner of Planning

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