



**COUNTY OF ROCKLAND**  
DEPARTMENT OF PLANNING

Building T

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County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

March 4, 2015

ARLENE R. MILLER  
Deputy Commissioner

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 68.08-1-1

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

**Map Date:** 1/29/2015

**Date Review Received:** 2/3/2015

**Item:** *ANELLOTECH, INC. SITE PLAN (O-905JJJJJ)*

Site plan for a proposed 2,254 sq. ft. addition to an existing building (Building #123) that will be used for research and development, in an existing complex on 180.4 acres in the LI zoning district.

North side of NYS Route 304, west side of Middletown Road, east side of the railroad tracks

**Reason for Referral:**

NYS Route 304, S. Middletown Road (CR 33), W. Townline Road (CR 42), Muddy Creek, Town of Clarkstown

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.
- 2 An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 3 An updated review must be completed by the Rockland County Drainage Agency, and all required permits obtained.
- 4 By State Law, the applicant must register with the local fire inspector using Form 209U for the proposed chemical bulk storage materials. - and - Under SARA - Title 3, the applicant must register with the Rockland County Office of Fire & Emergency Services.
- 5 As indicated in the February 6, 2015 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.

**ANELLOTECH, INC. SITE PLAN (O-905JJJJJ)**

6 As indicated in the January 15, 2015 letter from the New York State Department of Environmental Conservation, all additional information provided must be provided, all applicable permits must be obtained, and all conditions met.

7 The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern property boundary of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Clarkstown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

8 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

9 There shall be no net increase in the peak rate of discharge from the site at all design points.

10 The drawings and the referral form from the Town of Orangetown refer to this parcel as being Section 68.08-1-1B. This is the number that was assigned by the applicant during the subdivision process; it is not an official tax parcel number. Since this building is part of the larger parcel, we believe the correct tax parcel number should be 68.08-1-1. The other parcel formed from the subdivision is 68.08-1-5. The application form and the site plans must be corrected to reflect the correct tax parcel. If the public hearing notice also contains the incorrect tax parcel number, it must too be corrected.

11 The title block for the site plan refers to an address, 401 N. Middletown Road, and a building number, Building 170A. However, the title under the drawing on the same page refers to Building 123. It is not clear if Building 170A is for mailing purposes only, or if this building number is in error. This must be clarified, and/or corrected.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown  
New York State Department of Transportation  
New York State Department of Environmental Conservation  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Drainage Agency

**ANELLOTECH, INC. SITE PLAN (O-905JJJJJ)**

Rockland County Office of Fire and Emergency Services  
Civil Tec Engineering & Surveying PC  
Town of Clarkstown

*\*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.*

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