



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

January 22, 2015

ARLENE R. MILLER
Deputy Commissioner

Orangetown Town Board
26 Orangeburg Road
Orangeburg, NY 10962

Tax Data: 72.15-1-21 74.15-1-22

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

Map Date: 11/20/2014

Date Review Received: 12/16/2014

Item: *FB GREENBUSH, LLC (O-1876U)*

Special permit to allow a mixed-use expansion, consisting of a proposed 18,304 sq. ft. commercial building on .97 acres, adjacent to an existing mixed-use located on 15.8 acres. Both parcels are located in the LI zoning district. In addition, an amendment to the existing special permit use for the larger adjacent lot, relating to signage and grading, is required for construction of the new proposed use. West side of NYS Route 303, north side of the exit ramp of the Palisades Interstate Parkway, south side of Stevens Way, east side of the railroad tracks, southeast of Greenbush Road

Reason for Referral:

NYS Route 303, Palisades Interstate Parkway, Western Highway (CR 15)

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:

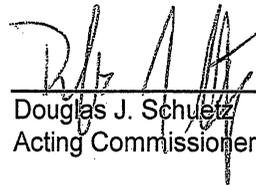
****Recommend the following modifications***

- 1 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 2 A review shall be completed by the New York State Department of Transportation and any comments or concerns addressed.
- 3 It is not clear if an alternative site plan is required for the mixed-use expansion special permit as required in Section 4.32.(O).ix.(d) of the Town Zoning Ordinance for mixed-use developments. This should be clarified, and provided if required.
- 4 Are any access or other type of easements required for this special permit use? If so, the easements should be clearly delineated on the site plan.

FB GREENBUSH, LLC (O-1876U)

5 One free standing sign along Route 303, which identifies the mixed-use development, is permitted as long as the square footage does not exceed 300 square feet in sign area per side. A rendering is provided of the "proposed monument sign" on Drawing Number 7. The square footage is provided for the new portion of the sign, totaling 78 square feet per side, but the dimensions for the existing sign area is not provided. The proposed total square footage per side of the monument sign must be provided to demonstrate that the 300 square feet in sign area per side is being met.

6 Section 4.32(P)viii.(b) permits one single directory sign which identifies the mixed-use expansion and the individual establishments on the adjoining mixed-use development, not to exceed 40 square feet in sign area per side or 10 feet in height. It is not clear if this regulation only applies to the sign face, or the entire sign structure. This must be clarified to ensure that the proposed freestanding sign conforms to the maximum allowable sign area.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Highways
Leonard Jackson Associates

Geraldinen Tortorella

**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.