Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 4, 2016

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 77.07-2-1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/16/2016 **Date Review Received:** 10/5/2016

Item: ***115 NEW YORK ROUTE 303 (O-658L)***

Site plan for proposed exterior alterations to an existing building that will be used for self-storage, located on 8.47 acres in the LO zoning district. Signage, handicapped ramps, access control gates, fire access lane, and additional paving are proposed.
Northeast corner of NYS Route 303 and Kings Highway

Reason for Referral:

NYS Route 303, Sparkill Creek, 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 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.

2 A review must be completed by the Palisades Interstate Park Commission, and any required permits obtained.

3 As indicated in the October 12, 2016 letter from the Rockland County Drainage Agency, an application must be submitted to them, and a permit or determination obtained, since the site is within their jurisdiction.

4 The comments in the October 12, 2016 letter from the Rockland County Department of Health must be addressed.

5 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

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6 A review must be completed by the New York State Department of Environmental Conservation for the wetlands on site, and any required permits obtained.

7 The plans prepared by Frank G. Relf Architect, P.C. are deficient in that they do not contain a vicinity map, map notes, bulk table with the applicable bulk standards, or tax parcel information. The plans must be updated with this pertinent information.

8 The square footage of the existing building must be provided so that applicable bulk standards, such as floor area ratio and parking needs can be calculated, and determined if the requirements are met.

9 A grading plan, which shows both existing and proposed topographic contours, must be provided. In addition, the floodplain of the Sparkill Creek, and the wetland boundaries must be delineated on the site plan, and all lot deductions calculated.

10 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumins is less than 0.1 at the property line.

11 All signs shall be shown on the site plan and comply with the town's sign ordinance. Five new signs are illustrated on the site plan. The sign detail shows signage that is proposed to span the existing drive. Is this type of sign permitted? The sign details must be provided for all signs, not just the proposed pylon sign. This information must include the sign area, distance to the property line for the pylon sign, and whether the signage is to be illuminated.

12 The Town shall be satisfied that all applicable portions of the Route 303 Overlay Zone have been addressed in the proposed site plan. This is an opportunity for the Town to require that an existing business that is non-compliant with the overlay zone regulations, implement some of the elements outlined in the Route 303 Overlay Zone regulations.

13 We request the opportunity to review any variances which may be necessary to implement the proposed site plan, particularly if any variances are required for the proposed signs.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Drainage Agency
Rockland County Department of Health

Frank G. Relf Architect, P.C.
Donald Brenner, P.E., LLB.

**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.

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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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.