

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 20, 2016

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.07-1-27

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

Map Date: 10/27/2014

Date Review Received: 6/22/2016

Item: *BCH REALTY SITE PLAN (O-1231H)*

Site plan for the proposed clearing of land to provide an outdoor storage facility, which could include car, trailer, truck or boat storage, for a parcel located on 5.8 acres in the LI and CC zoning districts.

South side of Mountainview Avenue, 180 feet west of Chamberlain Road

Reason for Referral:

NYS Route 303, Sparkill Creek, Western Highway (CR 15), S. Greenbush Road (CR 11), Clausland Mountain County Park, 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 site plan submitted with the application does not provide any details as to where the items will be stored, only a shaded area. A fence is being proposed around the area to be used for storage, and is located within the floodplain of the Sparkill Creek. A more detailed map must be provided showing specifically where items will be stored, particularly since a portion of the shaded area is within the floodplain of the Sparkill Creek. All storage must be kept out of the floodplain of the Sparkill Creek.

2 All of the vegetation in the proposed outdoor storage facility area is stated to be cleared. It has not been clarified if the site will also be regraded. Since the site is sloped towards, and within the floodplain, a grading plan must be provided showing how the proposal will impact the county stream and federal wetlands. It is also recommended that the vegetation within the floodplain area be left in its natural state, to help control soil erosion and maintain the integrity of the county stream and wetlands.

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- 3 The comments in the July 14, 2016 letter from the Rockland County Drainage Agency must be met.
- 4 The comments in the June 30, 2016 letter from the Rockland County Health Department must be met.
- 5 A review must be completed by the United States Army Corps of Engineers for the wetlands on site, and all required permits obtained.
- 6 The floodplain Administrator for the Town of Orangetown shall certify that the proposed storage area is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
- 7 An updated review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 8 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.
- 9 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.
- 10 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 11 A lighting plan shall be provided that shows fields of illumination. Lighting shall not shine beyond the property line.
- 12 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
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Division of Environmental Resources
New York State Department of Transportation
United States Army Corps of Engineers
Sparaco & Youngblood, PLLC

**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.

