

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 11, 2016

Orangetown Zoning Board of Appeals
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 73.15-1-10

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

Map Date: 7/20/2016

Date Review Received: 9/15/2016

Item: *BRIGHTVIEW SENIOR LIVING - GENERATOR PERFORM. STAND. (O-1870H)*

Performance standards for a proposed 600 kilowatt diesel generator for a three-story, 140-unit senior housing community for independent and assisted living residents, located in the R-80 zoning district on 5.1 acres.

West side of Hunt Road, approximately 75 feet south of Veterans Memorial Drive

Reason for Referral:

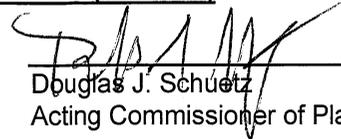
Veterans Memorial Drive/Orangeburg Road (CR 20)

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 applicant must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources for the proposed generator.
- 2 An updated review must be completed by the County of Rockland Department of Highways and any required permits obtained.
- 3 Since the proposed diesel "belly" tank of the generator can store over 3,000 gallons of fuel, engineering plans and specifications must be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article X (Petroleum Bulk Storage) of the Rockland County Sanitary Code.

BRIGHTVIEW SENIOR LIVING - GENERATOR PERFORM. STAND. (O-1870H)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Department of Health

JMC Planning, Engineering, Landscape
Architecture & Land Surveying, LLC

**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.

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.