

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 21, 2016

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.15-1-2

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

Map Date: 3/8/2016

Date Review Received: 3/24/2016

Item: *ORANGETOWN COMMERCE CENTER (O-2012C)*

Site plan for the proposed construction of a 68,443 sq. ft. multi-tenant, flexible space warehouse building, on 5.84 acres in the LI zoning district. Internal subdivision, of up to fourteen separate leasable spaces, (twelve are shown on the plans) within the building for individual tenants.

South side of Highview Avenue, west side of Greenbush Road, opposite Stevens Way, east side of the railroad right-of-way

Reason for Referral:

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 County of Rockland Department of Highways and all required permits obtained.
- 2 The comments in the March 28, 2016 letter from the Rockland County Department of Health must be met.
- 3 The comments in the April 6, 2016 letter from the Rockland County Drainage Agency must be addressed.
- 4 An application form must be submitted to the New York State Department of Environmental Conservation for the Brownfield Cleanup Program. All requirements must be met, and a Certificate of Completion must be obtained prior to the start of construction of the improved site.

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5 Areas dedicated for snow piles must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, providing specific locations on the site for the snow piles, especially since less than the required number of parking spaces is being provided, will eliminate the loss of parking spaces meant for the patrons and employees.

6 All proposed signage shall conform to the municipality's sign standards.

7 It is not clear if the existing monitoring well will be removed. If it is to be removed after the clean-up of the site, then the Rockland County Department of Health must be notified of the intent to decommission the wells, and monitor the process to ensure that it is done in compliance with the specifications of Article II of the Rockland County Sanitary Code. All required permits must be obtained from them.

8 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 Department of Highways
Rockland County Department of Health
Rockland County Drainage Agency
New York State Department of Environmental Conservation
Leonard Jackson Associates

**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.