

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

June 29, 2016

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 74.10-1-67

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

**Map Date:** 6/8/2016

**Date Review Received:** 6/9/2016

**Item:** *ORANGETOWN SHOPPING CENTER (O-1112T)*

Site plan to modify a previously approved site plan for an existing shopping center located on 10.59 acres in the CS zoning district. The existing shopping center contains three buildings that total 77,810 sq. ft. Modifications to the site plan include: elimination of a new entry/exit to the shopping center at Orangeburg Road which obviates the need for the construction of the deceleration lane along the east bound lane of Orangeburg Road, and utilizing, improving, and refurbishing the existing roadway and sidewalk entry/exit at Oak Street. The remaining previously approved modifications will remain the same, which include: the construction of a 2,200 sq. ft. commercial building with a drive-through lane, a new pylon business sign, additional parking spaces, construction of a new stairway and pedestrian ramp in front of Building 3, and improvements to the existing lighting, new asphalt paving, concrete sidewalk and walkway installations throughout the premises. The site will be comprised of 80,010 sq. ft. of retail /commercial space and 379 parking spaces when completely built.

South side of Orangeburg Road, east side of Dutch Hill Road, west side of Oak Street, north side of Highview Avenue

**Reason for Referral:**

Orangeburg Road (CR 20), Palisades Interstate Parkway

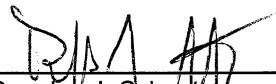
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

- 1 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 The conditions in the June 14, 2016 letter from the Rockland County Department of Health must be met.

**ORANGETOWN SHOPPING CENTER (O-1112T)**

- 3 The bulk table lists the site to be 461,178 square feet, or 10.587 acres. The application form lists the parcel to be 10.98 acres. The lot area must be consistent in all documents.
- 4 The Master Plan Parking Table, Sheet SP-2 and the Phase I Parking Table, Sheet SP-3 provide a parking table which has two groups of columns for "Previously Approved" and "Proposed" parking calculations. The square footage of the buildings and the number of parking spaces required, based on this square footage, are provided for each category. The square footage of the retail/offices/bank/services and the restaurant are the same in each column, as well as the formula for the required number of spaces needed per square footage, yet the required number of spaces listed differ between the previously approved and the proposed required parking in each column. For example, the required number of spaces for the restaurant in the previously approved site plan is listed as 157 while in the proposed is 135, yet the square footage is unchanged. The proposed pad was previously proposed to be 2,500 sq. ft. requiring 25 parking spaces, and is now proposed to be 2,200 sq. ft., but with only 11 required parking spaces. These discrepancies in the listing of required spaces in each column must be explained, and/or corrected.
- 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, located in the islands and at the ends of the parking rows, from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designating 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 of the shopping center.
- 6 All proposed signage shall conform to the town's sign standards. It is normally our policy to disapprove of variances for the setback and size of signs for parcels fronting on a county highway, citing precedent concerns and sight distance issues.
- 7 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.
- 8 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 9 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
- 10 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.
- 11 A review must be completed by the Palisades Interstate Park Commission, and any raised concerns addressed.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown  
Rockland County Department of Highways  
Rockland County Department of Health  
Palisades Interstate Park Commission  
Rockland County Planning Board  
  
JMC Planning, Engineering, Landscape Architecture

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& Land Surveying, 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.*

*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.*

