

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 27, 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: 8/16/2016

Date Review Received: 9/27/2016

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

Site plan revisions to comply with comments in the Rockland County Department of Planning's previous review 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 378 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 The comments in the September 20, 2016 letter from the Rockland County Department of Highways must be met. All required permits must be obtained.

ORANGETOWN SHOPPING CENTER (O-1112V)

2 The conditions in the June 14, 2016 letter from the Rockland County Department of Health must be met.

3 In our previous review, we had asked that areas be dedicated on the site plan for snow piles, particularly since less than the required number of parking spaces are being provided. By designating specific locations for snow piles, plow drivers are able to know where to place the plowed snow, thereby preventing the landscaped areas from being broken from the weight of the snow and reducing salt intrusion to the plants. In addition, dedicating snow pile areas will help to eliminate the use of valuable parking spaces, meant for patrons and employees, for storage of snow.

The areas that have been dedicated for snow shelves consist of six-foot wide lawn areas located between the parking lots. Further into these landscaped islands are shrubs and trees. It is not unusual for snow piles to be wider than six feet, and oftentimes over ten feet in height. This one area seems to be deficient in retaining all of the snow plowed from the entire site. The trees in the landscaped island can be pushed over, and the Spirea and Cotoneasters will be broken and crushed. Additional snow storage areas must be dedicated on site so that there ample area for placement of snow.

4 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.

5 There shall be no net increase in the peak rate of discharge from the site at all design points.

6 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.



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

JMC Planning, Engineering, Landscape Architecture
& 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.