Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 13, 2016

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 65.18-1-22 70.06-1-1.12

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/7/2016 **Date Review Received:** 8/16/2016

Item: ***PRESTIGE AUTOMOTIVE PREP CENTER FUEL TANK (O-1168JJJJ)***

Site plan for the proposed installation of one 5,000 gallon gasoline tank, and one 3,000 gallon diesel fuel tank for an existing prep center for an automobile dealership. The tanks are located in the LO zoning district on a parcel that is 24.69 acres.

West end of Bradley Hill Road, north side of Oritani Drive and west side of the railroad

Reason for Referral:

Leber Road (CR 36)

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 any required permits obtained.

2 Since the proposed petroleum bulk storage tanks have a total capacity over 1,100 gallons, as required under Article X, and indicated in the August 18, 2016 letter from the Rockland County Department of Health, an application consisting of engineering plans and specifications must be submitted to them for review and approval prior to construction.

3 The application materials and the site plan indicate that site is located on tax map 65.18, block 1, lot 22. That is the parcel in which the building for Prestige Automotive is located. According to our tax maps, the proposed fuel station is actually located on tax map 70.06, block 1, lot 1.12. The map and application materials must be updated to reflect the correct tax parcel. If the public hearing notice has the incorrect tax parcel, then it must be re-issued.

4 A review must be completed by CSX Transportation, Inc. and any concerns addressed.

PRESTIGE AUTOMOTIVE PREP CENTER FUEL TANK (O-1168JJJJ)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
CSX Transportation, Inc.

Robert R. Rahnefeld

**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.