Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 20, 2016

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

Tax Data: 68.08-1-1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/22/2004 **Date Review Received:** 5/24/2016

Item: ***URBAN ELECTRIC POWER (PFIZER) PERFORMANCE STANDARDS (O-905PPPPPP)***

Performance standards for a proposed new tenant re-use of existing space located in a research complex in the LI and LO zoning districts on a total of 180.4 acres. Urban Electric Power is commercializing the rechargeable zinc-manganese dioxide battery for stationary electrical energy storage applications.

North side of NYS Route 304, west side of N. Middletown Road, east side of the railroad tracks

Reason for Referral:

NYS Route 304, N. Middletown Road (CR 33), W. Townline Road (CR 42), Muddy Creek, Town of Clarkstown

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 May 27, 2016 letter from the Rockland County Department of Health must be met.

2 By State Law, the applicant must register with the local fire inspector using Form 209U for the proposed chemical bulk storage materials. - and - Under SARA - Title 3, the applicant must register with the Rockland County Fire Training Center.

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3 The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary bisects the property at the northern portion of the site. As required under Section 239nn of the State General Municipal Law, the Town of Clarkstown must be given the opportunity to review the proposed performance standards and provide any concerns related to the project to the Town of Orangetown.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health

Ann Marie Souderi, Urban Electric Power
Town of Clarkstown Planning Board

**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.