

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 19, 2017

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 70.18-2-17

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

Map Date: 4/21/2017

Date Review Received: 5/18/2017

Item: *LINEN CHOICE - AMENDMENT TO FINAL SITE PLAN (O-1307EE)*

Amendments to a final site plan for construction of two semi-attached commercial buildings that together total 172,235 sq. ft. The applicant is only proposing to construct the larger building at this time. The buildings will consist of light manufacturing, warehouse space (155,135 sq. ft.) and office space (17,100 sq. ft.). Approximately 25-30 employees will be working at the site at full build-out. This site has less building coverage, impervious coverage, and floor area ratio than the previously approved plan. Access will be provided via an access easement over tax lot 70.18-2-16 to Glenshaw Street.

East side of Clarke Rail Trail, approximately 1,070 feet west of NYS Route 303; 118 feet south of Murphy Court

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 As indicated in the June 8, 2017 letter from the Rockland County Department of Highways, a Work Permit will be required prior to the commencement of any excavation or construction on site.
- 2 The conditions of the May 26, 2017 letter from the Rockland County Department of Health must be met.
- 3 The applicant has indicated that this use consists mostly of warehouse and office uses. However, it was further indicated that on occasion, there will be a need to perform alterations on site, which would involve "light manufacturing" uses. It must be clarified as to what is involved with these alterations, and to what extent of the operation will consist of these alterations. Furthermore, it must be clarified if the light manufacturing component would produce noise or odors.

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- 4 The applicant must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources for the proposed facility.
- 5 Since the parcel to the north is owned by Suez, and contains public water-related appurtenances, a review must be completed by them, and any concerns addressed.
- 6 The applicant should illustrate on the site plan the proposed route into and out of the site.
- 7 Sheet 2 of 14 lists the total square footage for each building, as well as a break-down for the warehouse and office uses. The larger building total square footage is listed on the plans as 108,301; however when the subcomponents are totaled, they equal 109,801 sq. ft. In addition, the total square footage for both buildings is listed as 170,735 sq. ft. on page 3 of the application, which is the total when each of the two totals are summed. However, if the larger building subcomponent totals are correct, then the total of both buildings should be 172,235 sq. ft. These discrepancies must be corrected so that all totals are the same.
- 8 A landscaping plan that meets all Town requirements shall be provided. The landscaping plan must provide supplemental landscaping north of the proposed building and pavement area to help reduce the visual and audible impacts to these residents. In addition, enhanced landscaping must be provided along the length of the property that abuts the rail-trail so that visual and audible impacts will not negatively affect the users.
- 9 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line. This is especially critical along the boundary with the residential uses.
- 10 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.
- 11 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 12 As required under Section 239-m 6. of the State General Municipal Law, within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. 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.



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
Rockland County Office of Fire and Emergency Services
Rockland County Planning Board
New York State Department of Environmental Conservation
Maser Consulting P.A.

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**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.

