

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 15, 2017

Orangetown Town Board
26 Orangeburg Road
Orangeburg, NY 10962

Tax Data:

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

Map Date:

Date Review Received: 2/10/2017

Item: *TOWN OF ORANGETOWN - CREATION OF THE RPC-OP ZONE (O-2317)*

Zoning code amendment to create a new zoning district, "Rockland Psychiatric Center-Office Park (RPC-OP). A 60-acre parcel located, which used to be located at the former Rockland Psychiatric Center, is proposed to be rezoned from R-80 to RPC-OP.

Throughout the Town

Reason for Referral:

State and County roads, Rockland Psychiatric Center

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 proposed required off-street parking standard for the data center use is to be "set by the Planning Board as part of the site plan approval process." Since no specific requirement is cited, this standard is very subjective. The other data centers which have been proposed in the Town, were located in the LIO zoning district, so had to abide by a specific parking requirement. A definitive parking standard must be provided, so that the bulk requirement is more objective.
- 2 The Town is proposing to not allow parking in any required yard. However, a caveat is also provided giving the Town board or agency approval for allowing such. Allowing a board or agency to permit parking in the yard, without requiring specific exceptions, waters down the parking regulation for this new zoning district. The Town must cite specific exceptions when parking in the required yard is permissible to avoid subjective decisions.
- 3 Specific standards must be provided for business signs, including number of signs, sign area, and setbacks.

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4 The maximum land coverage is listed as to not exceed 80%, including buildings, parking, roads, and road widening. This number is the highest percentage permitted for non-residential uses within the town; all other zones limit the maximum land coverage to 75%. It is not clear as to why this zoning district allows a higher land coverage, especially when the land had been zoned R-80, the least dense zoning district within the Town. Lands within the former Rockland Psychiatric Center drain into Lake Tappan, a drinking supply, so the development coverage should account for ensuring the protection of this water quality. The lands are also surrounded generally by residential uses, and parkland. A less dense land coverage must be considered.

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

6 A review must be completed by the County of Rockland Department of Highways and any comments or concerns addressed.

7 A review must be completed by the Rockland County Department of Health 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 Psychiatric Center
Palisades Interstate Park Commission
Rockland County Department of Health
New York State Office of Mental Health

**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.