

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

June 20, 2017

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 73.08-1-4

73.08-1-3

73.08-1-1

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

**Map Date:** 5/26/2017

**Date Review Received:** 5/26/2017

**Item:** *PROJECT SYCAMORE DATA CENTER - SITE PLAN (O-2064J)*

Site plan for the demolition of multiple buildings located at the former Rockland Psychiatric Center, and construction of a new 260,000 sq. ft. data center located on 60.96 acres in the RPC-OP zoning district. A substation, an emergency access in the northeast corner of the site, a main gated entrance, generators, and 91 parking spaces are also proposed

South side of Convent Road, east side of Third Avenue, north side of Oak Street, and west side of First Avenue

**Reason for Referral:**

Convent Road (CR 26)

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 15, 2017 letter from the Rockland County Department of Highways must be met. All required Work Permits must be obtained.
- 2 The conditions in the June 6, 2017 letter from the Rockland County Department of Health must be met.
- 3 More than 20 generators are proposed as backup power for the site. Are the generator screens/walls sufficient to attenuate the noise from these generators? Does a noise study need to be completed? These issues must be addressed, particularly since the northern generators face a residential area.

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4 The frontage along Convent Road is currently wooded with mature trees. The applicant is proposing to plant October Glory Red Maples in the wooded area. It is not clear as to why the existing trees will be removed and new, young trees planted in their place. The wooded area must remain, and be supplemented with other landscaping as needed, particularly since this is the portion of the site that is adjacent to a residential area.

5 Sheet C003 illustrates the trees that are to remain. A large cluster of trees to remain is shown along the northern property boundary along Convent Road. However Sheets C100, C101, and C102 show that a row of October Glory Red Maple trees will be planted in this same area. This discrepancy must be clarified, and the applicant must indicate if the trees in this area will remain or be replanted. As noted above, we recommend that the natural vegetative buffer area be maintained. The new trees should be planted further south nearer the perimeter security fence.

6 Additional landscaping must be provided around the generators to help act as a noise barrier.

7 Very little landscaping is being proposed for the site. To help reduce the visual impact of the proposed large building, additional landscaping must be provided around the building and the site.

8 All proposed signage must be illustrated on the site plan, and shall conform to the town's sign standards.

9 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to provide specific locations on the site for the snow piles so that the number of parking spaces meant for the employees will not be impacted.

10 Who will be responsible for the maintenance of the proposed stormwater management basin. Maintenance responsibilities must be notated on the site plan.

11 The Town fire inspector and/or the Rockland County Office of Fire and Emergency Services must review the site plan to ensure that adequate circulation is provided in the event an emergency arises. This review should include whether the proposed emergency access can accommodate fire equipment, a process to access the gates if the emergency access is needed to be used, and whether there is adequate water pressure/volume for firefighting purposes.

12 Data centers are generally large consumers of water. A review must be completed by Suez to ensure that there is adequate water supply for the proposed use.

13 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

14 The applicant must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources (or Environmental Permits) for the proposed facility for the proposed generators on site.

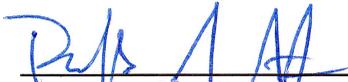
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15 The applicant must provide as-built drawings and other documentation to New York State Department of Environmental Conservation, Region 3, that illustrate the design and installation, as per code, of the petroleum bulk storage tanks for the proposed generators. These tanks must also be registered with them.

16 The bulk table should have a footnote indicating that a fence height variance is required. This footnote should be updated to reflect the decision of the Orangetown Zoning Board of Appeals' final action.

17 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.

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

  
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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 Planning Board
- Rockland County Office of Fire and Emergency Services
- New York State Department of Environmental Conservation
- SUEZ
  
- CH2M
- Dewberry
- Brian Quinn, Esq. - Montalbano, Condon & Frank P.C

*\*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.*

