

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 20, 2017

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.11-2-26

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

Map Date: 6/16/2017

Date Review Received: 6/23/2017

Item: *RRIS CORP. - HOTEL (CHANGE TO RETAIL USE) (O-1543G)*

Site plan application for a proposed new 12,000 sq. ft. retail building located on 1.33 acres in a CC zoning district.

North side of NYS Route 340, approximately 75 feet east of NYS Route 303.

Reason for Referral:

NYS Routes 303 and 340, Orangeburg Road (CR 20), Sparkill Creek, Rockland County Sewer District #1

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 New York State Department of Transportation, and all required permits obtained.
- 2 A review shall be completed by the New York State Department of Environmental Conservation and any required permits obtained.
- 3 As per the June 20, 2017 letter from the Rockland County Department of Health, applications must be made for sewage disposal per Article IV, Section 4.2.1 of the Rockland County Sanitary Code and for compliance with the County Mosquito Code.
- 4 A review must be completed by the Rockland County Drainage Agency, and all required permits obtained.
- 5 A review must be done by the Rockland County Sewer District #1, any concerns addressed, and any permits obtained.

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6 A review must be completed by the Rockland County Office of Fire & Emergency Services and any raised comments or concerns addressed.

7 The Floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

8 Lot area deduction calculations for land within the 100-year flood plain must be provided to determine the net lot area useable for development of the site.

9 Overall, this proposed site plan has serious problems with regard to traffic circulation and pedestrian safety. At its July 12, 2017 meeting, the Rockland County Planning Board voted unanimously to recommend a denial of this application due to these serious deficiencies. This proposal must be reduced in size and scope, in order to address the concerns listed below.

9.01 The 7 parallel parking spaces and part of the access way must be relocated out of the 100 year floodplain.

9.02 The parallel spaces are located on the left side of the driveway as vehicles enter the site, encouraging drivers to cut across the access way to utilize them. This will impede circulation and must be redesigned.

9.03 The overhead doors are located along the main façade, encouraging delivery vehicles to stop along the access way/fire lane, and must be relocated.

9.04 The turn at the northwestern corner of the building is too tight and does not allow for adequate sightlines to ensure vehicle and pedestrian safety. This must be redesigned.

9.05 The pedestrian walkway along the northern side of the building ends abruptly at the aforementioned turn. The pedestrian path must be redesigned to give pedestrians safe access to the businesses.

9.06 Access to the trash enclosure is blocked by two parking spaces. The enclosure must be relocated to allow full access.

9.07 No curbing is shown along the edges of the parking areas and must be added.

9.08 The main parking area and handicapped-accessible space are inconveniently located far from the front entrances and must be relocated.

9.09 There is not an adequate turnaround space in the main parking area. The lot must be redesigned to allow vehicles to turn around without the need to enter parking spaces to do so.

9.1 The accessway is at an angle to the street, making right turns difficult for vehicles exiting the property, and must be redesigned.

9.11 There is not enough room along the east side of the building for a walkway, retaining wall and to maintain existing trees. This area must be redesigned to create an adequate walkway and maintain the wall and trees.

10 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

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11 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

12 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.

13 Areas dedicated 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 protect the landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designating specific locations on the site for the snow piles, especially since only a minimum number of parking spaces are being provided, will eliminate the loss of parking spaces meant for the patrons and employees of the businesses.

14 The proposed site plan indicates that front and side yard variances will be required. We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

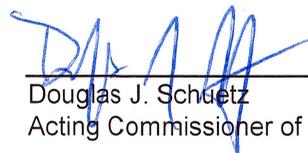
15 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

16 Low evergreen landscaping or a berm must be provided in front of the parking spaces facing the roadway to shield headlights from shining into oncoming vehicles traveling on the road.

17 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

18 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.

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



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 Office of Fire and Emergency Services
Rockland County Drainage Agency
Rockland County Department of Health
New York State Department of Environmental Conservation
Rockland County Sewer District #1

Maser Consulting P.A.
Rockland County Planning Board

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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.