

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 30, 2017

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.11-2-47

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

Map Date: 12/13/2016

Date Review Received: 6/9/2017

Item: *SOUTH CORNER PLAZA SITE PLAN (O-2161D)*

Site plan for the demolition of a single-family residence, and construction of a 12,089 square foot shopping center with 61 parking spaces on 1.16 acres in a CC zoning district. The majority of the site is located within the 100-year floodplain of the Sparkill Creek. Variances were required for rear yard, building height, and no loading berth.

East side of Route 303 and south side of Route 340

Reason for Referral:

NY State Route 303; NY State Route 340; Sparkill Creek; Rockland County Sewer District Property

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***

We have serious concerns regarding the development of the site as proposed. The site is almost completely located within the 100 year floodplain of the Sparkill Creek and the applicant is proposing to develop the site almost entirely with impervious surfaces between the building and the parking areas. In our initial review, we strongly recommended that the applicant reduce the size of the building so that a more environmentally oriented development could be provided. None of the criteria for the Route 303 Overlay Zone have been implemented, which was adopted as a way to improve the safety and aesthetics along the corridor. In addition, there has been no effort to minimize runoff from the site with the use of pervious pavers. Provided landscaping is minimal at best. We still believe that the site is being overdeveloped, and that the proposal must be scaled back to accommodate the constraints of the site. We offer the following comments and concerns:

1 An updated review must be completed by the Rockland County Drainage Agency, any concerns addressed, and all required permits obtained.

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- 2 An updated review shall be done by the New York State Department of Transportation (NYS DOT). In addition, the Town of Orangetown Planning Board must be assured that the comments and concerns raised in the February 12, 2010 letter from the NYS DOT have been met. A traffic study of the area must be reviewed by them to ensure that the design of the site will not impede the flow and safety of traffic on the two state highways. Lastly, all required permits must be obtained.
- 3 An updated review must be completed by the County of Rockland Sewer District #1, and all concerns addressed.
- 4 As indicated in the June 13, 2017 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.
- 5 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.
- 6 Almost the entire site is located within the 100 year floodplain of the Sparkill Creek. The 100 year floodplain must be delineated on the site plan.
- 7 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 8 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.
- 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 protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the patrons of this shopping center. This is particularly important as only the minimum number of parking spaces are being proposed.
- 10 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
- 11 The Town shall be satisfied that all applicable portions of the Route 303 Overlay Zone have been addressed in the proposed site plan.
- 12 The site plan must be updated to reflect that the required variances have been obtained from the Orangetown Zoning Board of Appeals.
- 14 The Town of Orangetown should make sure that the ingress/egress for this site is coordinated with the access location for the new hotel being proposed across the street to ensure that there are no conflicts between the two property access points.

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15 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.

16 A signage plan that conforms to the Town's standards must be submitted for review. The signs must be kept out of the State right-of-way.

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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Sewer District #1
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Planning Board

Leonard Jackson Associates

**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.

