

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: 78.05-2-61 78.05-2-60

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

Map Date: 5/15/2017

Date Review Received: 6/23/2017

Item: *SPARKILL-PALISADES FIRE DISTRICT - ADDITION TO EXISTING FIREHOUSE (O-1003B)*

Site Plan application for a 6,000 sq. ft. addition to an existing firehouse, with site changes, on 2.35 acres in the RG and R-15 zoning districts.

The west side of Carteret Road (NYS Route 340), approximately 80 feet south of Valentine Avenue.

Reason for Referral:

Valentine Avenue/Carteret Road (NYS Route 340), US Route 9W, Sparkill Creek, Village of Piermont

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 30, 2017 letter from the Rockland County Department of Health, a review must be done by them to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 2 The conditions and comments in the July 5, 2017 letter from the Rockland County Drainage Agency must be met. All required permits must be obtained.
- 3 A review must be completed by the New York State Department of Transportation, and all required permits obtained.
- 4 It appears that there may be federal wetlands in the northwestern portion of the site. If any wetlands are to be disturbed, then a review must be completed by the United States Army Corp of Engineers. In addition, the USACOE must be added to the list of Involved Agencies for SEQRA.
- 5 The applicant should explore alternative options for the proposed addition to minimize the impact within the 100-year floodplain.

SPARKILL-PALISADES FIRE DISTRICT - ADDITION TO EXISTING FIREHOUSE (O-1003B)

6 The Village of Piermont is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 270 feet north of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Piermont must be given the opportunity to review the proposal and provide any concerns related to the project to the Town of Orangetown. In addition, the Village of Piermont must be added to the Involved Agencies list for SEQRA purposes.

7 One of the two parking spaces in the northeast corner of the proposed lot appears to be undersized. This must be corrected or the parking count must be amended to reflect the lower number.

8 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.

9 There shall be no net increase in stormwater runoff from the site.

10 The proposed site plan indicates that side yard and total 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).

11 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Health
United States Army Corps of Engineers

Atzl, Nasher & Zigler P.C.
Village of Piermont Planning Board

**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.