



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
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**Douglas J. Schuetz**  
*Acting Commissioner*

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

November 14, 2018

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, NY 10962

**Tax Data:** 73.19-1-1

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

**Map Date:** 8/30/2018

**Date Review Received:** 10/31/2018

**Item:** *BLOOMBERG DATA CENTER HELIPAD (O-1169UUUUUU)*

Special permit to permit the proposed construction of a helipad on a 2.46-acre site located in the LIO zoning district. This helipad is only to be used for emergency situations. In order to permit the helipad in its location, trees from adjoining lots will have to be removed, and replanted with low scale ornamental trees and shrubs. In addition, the FAA is requiring that the parking area be vacated prior to the take-off or landing of a helicopter. The vehicles will be temporarily parked along the curb line of Corporate Drive. Variances for less than the required distance to lot lines is needed for the front yard, side yard, and rear yard, as well as for buildings that are within 500' of the helipad be limited to 30' height. Several adjacent buildings, not owned by the applicant, are more than the 30' height limitation North side of Corporate Drive, approximately 748 feet west of Olympic Drive

**Reason for Referral:**

Rockland County Highway Garage (accessed via Hunt Road)

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 Town Board must be satisfied that all criteria for the special permit use, as required in Section 4.32.(A) for which a variance has not been requested, have been met. The plans do not seem to illustrate that screening will be provided.
- 2 A substantial number of trees are proposed to be removed so that the helipad meets FAA regulations. Supplemental landscaping is proposed for the areas where the trees will be removed. The applicant must be responsible for ensuring that the new landscaping is maintained in good health for several years.

**BLOOMBERG DATA CENTER HELIPAD (O-1169UUUUUU)**

3 In order to provide a level surface for the helipad, extensive regrading must occur. Retaining walls, as high as almost nine feet are proposed along the south and western portion of the area around the helipad. Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

4 To help visually break up the massive retaining walls that will be visible from Corporate Drive, additional landscaping must be planted, that is in accordance with FAA regulations, along the southern and western portions of the site.

5 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. Aerial photography shows that the parking area is near capacity, and placing snow in designated parking spaces will result in the loss of valuable spots. By providing specific locations on the site for the snow piles the loss of employee parking spaces will be avoided.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
Rockland County Department of Highways  
Rockland County Department of Health  
  
Maser Consulting P.C.  
Richard W. Loeffler

*\*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.*