

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 13, 2018

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.15-1-2

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

Map Date: 5/8/2018

Date Review Received: 6/22/2018

Item: *ORANGETOWN COMMERCE CENTER (O-2012F)*

Site plan amendments and internal commercial subdivision amendments of previously approved commercial facility. The applicant is now proposing a 118,323 sq. ft., two-story, multi-tenant, flex-warehouse/self-storage building and related improvements on a 5.84 acre site located in the LI zoning district. The first floor will consist of an approximately 64,136 sq. ft. multi-tenant flex warehouse space and a 3,707 sq. ft. lobby for the self-storage facility. The 48,047 sq. ft. second floor will be comprised entirely of the self-storage facility. A 2,433 sq. ft. mezzanine level for the self-storage facility is also proposed, which will be used as a watchman's residence. The building height will be increased from 32.50 ft. to 34.46 ft. to accommodate the mezzanine and second story. Minor modifications are also proposed for the parking, loading area, and landscaping.

South side of Highview Avenue, west side of Greenbush Road, opposite Stevens Way, east side of the railroad right-of-way

Reason for Referral:

Western Highway (CR 15)

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 July 2, 2018 letter from the Rockland County Department of Highways must be met.

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- 2 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code. In addition, an application must be made to them for approval of the sewage disposal system per Article IV, Section 4.2.1 of the Rockland Sanitary Code.
- 3 It is not clear if the existing monitoring wells will be removed. If they are to be removed after the clean-up of the site, then the Rockland County Department of Health must be notified of the intent to decommission the wells, and monitor the process to ensure that it is done in compliance with the specifications of Article II of the Rockland County Sanitary Code. All required permits must be obtained from them.
- 4 The site was formerly a State Brownfield site, and remediation has been completed under the New York State Department of Environmental Conservation Brownfield Cleanup Program. A Site Management Plan is in place to control the potential for direct contact with subsurface soil and groundwater contamination remaining on site. The Town of Orangetown Planning Board and the New York State Department of Environmental Conservation must continue to manage the site, ensuring that the proposed construction is in compliance with the procedures established for re-development of the site.
- 5 The proposed monument sign must conform to the Town sign standards.
- 6 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 7 With regard to the internal subdivision, when the actual flex space square footage is determined for the individual internal lots, the associated required parking spaces must also be assessed and identified to go with each unit.
- 8 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.
- 9 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 Chris Day, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
New York State Department of Environmental Conservation
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.*

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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.

