

THE LEARNING CENTER (O-1876X)

4 The larger portion of 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 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.

6 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.

7 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process.

7.1 The proposed day-care is located directly adjacent to the active railroad. The building design should incorporate materials and features that help to reduce noise associated with the trains (horns, train rumble, etc.).



Douglas J. Schuetz
Acting Commissioner of Planning

- cc: Supervisor Chris Day, Orangetown
- New York State Department of Transportation
- Rockland County Department of Health
- Rockland County Department of Highways
- Palisades Interstate Park Commission
- New York State Department of Environmental Conservation
- 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.