

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 5, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.07-1-15.1

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

Map Date: 11/28/2018

Date Review Received: 2/8/2019

Item: *125 SOUTH GREENBUSH ROAD WAREHOUSE EXPANSION (O-1853P)*

Site plan to permit the demolition of a portion of an existing single-story office building, which is connected to an existing warehouse, and construction of a new 268,000 sq. ft. warehouse. The site is located in the LI zoning district on 24.5 acres. A variance for parking will be required to implement the proposed site plan.

East side of S. Greenbush Road, opposite Mountainview Avenue

Reason for Referral:

S. Greenbush Road (CR 11), NYS Route 303, Clausland Mountain Park, Sparkill Creek, federal wetlands

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 February 21, 2019 letter from the Rockland County Highway Department must be met. All required permits must be obtained prior to the commencement of any construction activities on the site.
- 2 The conditions in the February 28, 2019 letter from the Rockland County Department of Health must be met.
- 3 A review must be completed by the Rockland County Drainage Agency, and any required permits obtained.
- 4 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- 5 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

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6 In the past, the northern portion of the site, and just north of the property line on the adjacent property also owned by 125 Greenbush LLC, truck trailers and buses were being parked and stored on the site. The proposed site plan shows a new configuration for the parcel to the north, with parking aisle delineations and space designations for 40 vehicles. Since only a small fraction of the adjacent parcel, Tax Lot 74.07-1-15.2, is shown, it is impossible to determine the full development concept for this site. Since Tax Lot 74.07-1-15.2 seems to be an integral component of the southern site, a site plan covering both parcels must be provided. The site plan must show the inter-relationship of the two parcels.

7 A site visit confirmed that the northern portion of the subject site, as well as the southern portion of Tax Lot 74.07-1-15.2 are actively being used for truck and trailer storage. Over 50 trucks were parked, and more trucks were arriving to park. The bus storage that had occurred just over the parcel boundary has been relocated to the northwestern parking area, occupying most of the parking lot, since it was designed for vehicular parking. Close to 30 buses were parked in this area. The applicant is not illustrating any truck parking areas with the current application, but instead only parking for regular sized vehicles. The northwestern parking area that is filled with buses is proposed to be partially replaced by the building, with only 8 vehicular parking spaces provided. It must be indicated where the truck trailers and buses that are currently stored on site will be located instead.

8 Since the proposed use is to be warehousing, parking spaces for tractor trailers must be provided. Past history has confirmed that trailer parking is a necessity for the site. Trailers parking in the spaces provided for only regular sized vehicles will occupy more parking spaces, thereby exacerbating the deficient parking requirements even more. A parking layout that provides both semi-tractor trailer parking and vehicular parking that meets the site's needs must be provided. The deficiency in parking will be increased, requiring a greater parking variance than what is indicated on the site plan.

9 The site is deficient in parking by close to 67%. The Orangetown Planning Board must monitor the site to ensure that sufficient parking is provided for the new warehouse space. If it is determined that insufficient parking exists, then an off-site location must be identified to store the trucks or other vehicles related to the site. Under no circumstances can vehicles park within the County highway right-of-way.

10 Areas dedicated 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 landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designating specific locations on the site for the snow piles, especially since less than the required number of parking spaces are being provided, will eliminate the loss of parking spaces meant for the employees of the warehouse.

11 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

12 The Planting Plan, Sheet L-702, is very minimal and consists of only a partial plan. Revisions to the site are being proposed throughout the entire site, with an extensive number of trees being removed. The Planting Plan must be expanded to include the entire site. Any areas in which the macadam or other impervious surface are not needed should be replaced with landscaping, such as the two island areas in the southeast corner of the parking lot, or the cross-hatched areas in the northeast corner of the new parking area.

13 The landscaping plan must be supplemented along the southern boundary that is parkland and which provides access into Clausland Mountain Park. Trailer and storage of materials has occurred along the boundary, with trucks sometimes encroaching onto county lands. As previously requested, a berm or evergreen landscaping must be planted along the southern boundary to shield the parking and warehouse use from the county parkland. This is more critical now that the use is being intensified and additional parking being proposed along the southern property line.

14 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.

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15 There shall be no net increase in the peak rate of discharge from the site at all design points.

16 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).



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 Transportation
United States Army Corps of Engineers
Rockland County Drainage Agency
Rockland County Division of Environmental Resources

Sparaco & Youngblood, PLLC
Donald Brenner

**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.

