



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 25, 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: 7/30/2019

Date Review Received: 8/14/2019

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

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 Town of Orangetown did extensive research over a two-year period to create the Route 303 Overlay Zoning District, working with county, state, and federal agencies, as well as the public, to ensure that the resulting zoning requirements would provide strategies to improve the roadway's operation, aesthetics, and safety aspects. As per Section 13.8, because the deed for this property includes tax parcel 74.07-1-10, which directly borders Route 303, and because the parcel has access to Route 303 by way of Chamberlain Road (a private road easement), the Overlay District seems to apply.

In addition, Section 13.10B(5) states "Retail warehouse uses... which require or utilize a structure with a total combined square footage in excess of 65,000 square feet on any single parcel (or assemblage of contiguous individual parcels, or on any one parcel which has been subdivided after the date of this local law) shall be prohibited." Therefore, if the Route 303 Overlay zone applies, the construction of a 415,000 total SF warehouse on this parcel would be prohibited. A use variance to permit a warehouse on this parcel may be required for this proposal in order to meet all of the Overlay criteria.

Section 13.10B(13) requires a traffic study to be conducted. A study has been completed that used ITE Land Use

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Code 150 - Warehouse. However, Code 152 - High Cube Warehouse may be more appropriate for the proposed use. A High Cube Warehouse typically has at least 200,000 SF of floor area and a ceiling height of 24 feet or more. The two warehouses proposed, located at 125 and 155 Greenbush Road, have over 500,000 SF of floor area and a building height of 40 feet. The report also indicated that a majority of the trips generated for the site were small vehicles, with only 5-20% being trucks. This seems to be contradictory to the types of vehicles typically accessory to as a warehouse use, where a majority of the vehicles entering and leaving the site will be trucks with 5 axels or more. In considering this information, the Town shall determine if a new traffic study that uses a different Code is necessary.

Lastly, Section 13.10B(14) states that "In no case shall the aboveground detention basins be sited within any buffer area or within any front yard setback area or within the designated street line." The proposal calls for a detention basin in the front yard along South Greenbush Avenue. If a subsurface drainage system cannot be achieved, the applicant shall consider another reconfiguration of their layout plan to move the detention basin to the rear or side yard.

The Town shall consider whether all applicable portions of the Route 303 Overlay Zone have been addressed in the proposed site plan and must consider the cumulative and regional impacts of permitting such development.

- 2 An updated review must be completed by the Rockland County Highway Department. In addition, the applicant must comply with the comments in their letter of February 21, 2019. All required permits must be obtained prior to the commencement of any construction activities on the site.
- 3 The applicant must comply with the comments made by the Rockland County Health Department in their letter of September 19, 2019.
- 4 A review must be completed by the Rockland County Drainage Agency, and any required permits obtained.
- 5 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- 6 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.
- 7 The applicant must comply with the conditions of the New York State Department of Transportation in their letter of September 17, 2019.
- 8 The site plan shows an interconnection of the access to the parcel to the north, Tax Lot #74.07-1-15.2. Cross access easements must be provided for the interconnection and access of the subject site with the parcel to the north.
- 9 A recent 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.

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10 The site is deficient in parking by close to 67%. The Town of Orangetown 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.

11 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.

12 We are in receipt of two applications for a warehouse use in which the parking is deficient by over 50%. The sites are adjacent to each other, and are planned to be inter-connected. If the warehouse uses do not require as much parking as the town's standards, then the Town should review the parking requirements to determine a more appropriate parking standard for this use. However, if the parking standards do reflect the need, then the warehouse buildings and uses must be reduced in size so that adequate parking can be provided.

13 The site plan indicates there are 8 sheets included for the proposal. However, only sheets #1-6 are provided. Sheets #7 and #8 must be included to provide a full understanding of the scope of the project and allow us to make a full assessment of the site.

14 The snow storage areas delineated on the site plan conflict with the limited landscape shown on sheet SP-1. The landscaping must be shown in relation to the snow storage areas.

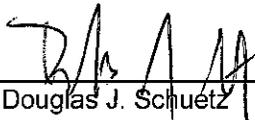
15 A landscaping plan shall be provided which has low evergreen landscaping supplementing the area along the County highway to block the headlights of parked cars from shining into such highway.

16 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

17 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.

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

19 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
New York State Department of Transportation
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
United States Army Corps of Engineers

Poskanzer Skott Architects
Sparaco & Youngblood, PLLC

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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.