

**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 11, 2019

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 74.07-1-15.2

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

**Map Date:** 11/28/2018

**Date Review Received:** 2/8/2019

**Item:** 155 GREENBUSH PROPERTIES (O-1853Q)

Site plan for the proposed construction of a 128,000 sq. ft. warehouse building located on 11.9 acres in the LI zoning district.

East side of S. Greenbush Road, approximately 968 feet north of Nice Pak Park

**Reason for Referral:**

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

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 March 1, 2019 letter from the Rockland County Highway Department must be met. All required permits must be obtained prior to the start of any construction or grading on the site.
- 2 The comments in the March 1, 2019 letter from the Rockland County Department of Health must be met.
- 3 A review shall be completed by the Rockland County Drainage Agency, any comments or concerns addressed, 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 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and any required permits obtained.
- 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.

**155 GREENBUSH PROPERTIES (O-1853Q)**

7 The site plan shows an interconnection of the access to the parcel to the south, 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 south.

8 A site visit confirmed that the southern portion of the subject parcel is actively being used for truck and trailer storage. Over 50 truck trailers were parked, and more trucks were arriving to park. The disposition of this parking area must be provided, as it is apparent that Tax Lot # 74.07-1-15.1 needs this storage area.

9 Since the proposed use is to be warehousing, parking spaces for tractor trailers must be provided. 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.

10 The site is deficient in parking by close to 64%. 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.

11 This is the second application that we have reviewed recently 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.

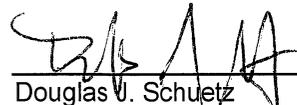
12 Areas dedicated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designating 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.

13 The Bulk Table must indicate that a variance for both total side yard and parking is required.

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.

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 V. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Division of Environmental Resources  
New York State Department of Transportation  
Rockland County Drainage Agency  
United States Army Corps of Engineers

**155 GREENBUSH PROPERTIES (O-1853Q)**

Sparaco & Youngblood, PLLC

*\*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.*

