



Rockland County

Ed Day, Rockland County Executive

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

September 25, 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: 7/30/2019

Date Review Received: 8/14/2019

Item: 155 GREENBUSH PROPERTIES (O-1853S)

Site plan for the construction of a 128,000 sq. ft. warehouse building located on 11.9 acres in the LI zoning district. A variance for parking will also be required.

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

Reason for Referral:

South Greenbush Road (CR 11), Clausland Mountain Park, Sparkill Creek, NYS Route 303, 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 this parcel is owned by 125 GREENBUSH LLC, who owns several parcels in the area, including one that directly borders Route 303 and another contiguous parcel that has ingress and egress along the Route, 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 new 126,000 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 Code 150 - Warehouse. However, Code 152 - High Cube Warehouse may be more appropriate for the proposed

155 GREENBUSH PROPERTIES (O-1853S)

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 other reconfiguring 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 conditions of their letter of March 1, 2019 must be met. All required permits must be obtained prior to the start of any construction or grading 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 An updated review must be completed by the Rockland County Drainage Agency. In addition, the conditions of their letter of March 19, 2019 must be met.
- 5 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- 6 The applicant must comply with the conditions of the New York State Department of Transportation in their letter of September 17, 2019.
- 7 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.
- 8 The site plan shows an interconnection of the access to the parcel to the south, Tax Lot #74.07-1-15.1. Cross access easements must be provided for the interconnection and access of the subject site with the parcel to the south.
- 9 A recent 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.
- 10 The site is deficient in parking by close to 64%. 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 Currently, the site plan shows an area designated for trailer parking that is not paved or delineated, and is adjacent to the wetlands. We are concerned that the trailer parking will encroach into the wetlands if it is not specifically delineated, especially given the fact that other vehicle storage has been located on this site.

155 GREENBUSH PROPERTIES (O-1853S)

12 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.

13 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.

14 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.

15 The snow storage areas delineated on the site plan conflict with the limited landscape shown on sheet SP-1. This must be designed in a way so the snow storages areas do not damage any plantings, especially in the southwest corner of the site.

16 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.

17 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.

18 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.

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

20 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

Donald Brenner

155 GREENBUSH PROPERTIES (O-1853S)

**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.