

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 23, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.11-1-12

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

Map Date: 5/1/2019

Date Review Received: 8/21/2019

Item: **27 GREENBUSH ROAD (O-331N)**

Site plan for the reconfiguration of a parking lot and building access to an existing 7,153.79 SF unfished building located on 1.04 acres in the CC zoning district.

North side of Greenbush Road, south side of Orangeburg Road, approximately 82 feet west of NYS Route 303

Reason for Referral:

NYS Route 303, NYS Route 340, Orangeburg Road (CR 20), Sparkill Creek

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:

****Disapprove***

- 1 The applicant must specify the proposed use of the site for our department to be able to provide a thorough analysis and to determine what use group should be used for the project. Until the proposed use is provided, it cannot be determined if the project complies with the applicable bulk standards, including parking requirements.
- 2 The bulk table indicates the bulk requirements for the site must comply with the CC Group of the LI zoning district. However, there is no CC Group for this district. The bulk requirements provided belong to the JJ Group for the CC zoning district. The bulk table must be corrected to reflect the correct zoning district and use group.
- 3 The County's GIS zoning map for Orangetown, last adopted by them on December 11, 2018, show that this parcel is located in the CC zoning district, not the LI zoning district. The site plan and all application materials must be corrected to reflect that the parcel is located within the CC zoning district. If the public hearing notice is incorrect, it will have to be corrected and re-issued.

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4 A parking calculation based on the applicable district standards must be provided to ensure that adequate parking can be achieved.

The following comments address our additional concerns about this proposal:

5 A review must be completed by the County of Rockland Drainage Agency, any comments or concerns addressed, and all required permits obtained.

6 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

7 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

8 A review must be completed by the County of Rockland Department of Highways, any comments or concerns addressed, and all required permits obtained.

9 The floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

10 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.

11 A recent site visit showed active and parked construction vehicles and equipment on the site. Construction cannot occur before an approval is obtained, and any vehicles stored on the site must be removed. In addition, vehicles from adjacent properties appear to be encroaching onto the subject site. These also must be removed.

12 It appears that access to the site for the construction vehicles currently parked have been through tax parcel 74.11-1-13. If it is intended to continue to use this parcel for access, then an easement must be provided, and indicated on the site plan.

13 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be utilized by the new users.

14 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards 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 A landscaping plan shall be provided for the site.

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 A signage plan that conforms to the Town's standards must be submitted for review.

19 Map note #16 mentions Section 239-k of the New York State General Municipal Law. This shall be corrected to Sections 239-l & m, as Section 239-k no longer exists.

20 The map notes jump from #1 to #10. Notes #2-9 must be included or, if the notes were misnumbered, the numbering shall be corrected.

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21 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 Health
Rockland County Department of Highways
Rockland County Drainage Agency
New York State Department of Transportation
United States Army Corps of Engineers
Michael J. Calise, P.E. & Associates, P.C.

John McIntyre

Rockland County Planning Board Members

**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.

