

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 13, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.15-1-22 74.15-1-21

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

Map Date: 12/27/2018

Date Review Received: 1/9/2019

Item: *FAIRFIELD INN AT ORANGEBURG COMMONS (O-1876AA)*

Amended site plan to permit the construction of a proposed 62,261 sq. ft., 119-room hotel on condominium unit 5 in the Orangeburg Commons Mixed Use Development. The previous site plan had included a 70,000 sq. ft., 119-room Courtyard by Marriott hotel. Changes from the previous site plan include: a 7,739 square foot reduction of the hotel, a three inch increase in the building height, a .011 % reduction in the floor area ratio, a .5% reduction in the development coverage, and one additional parking space. Building wall signs, parking area signs and a Fairfield Inn panel on the main Orangeburg Commons pylon sign are proposed for the new hotel. The site is located on 16.76 acres and is in the LI and Route 303 Overlay zoning districts.

Southwest corner of NYS Route 303 and Stevens Way - the hotel is located in the southeastern portion of the site

Reason for Referral:

NYS Route 303, Palisades Interstate Parkway, Greenbush Road (CR 15)

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 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 2 The comments in the February 6, 2019 letter from the Rockland County Department of Health must be met.
- 3 A review must be completed by the Palisades Interstate Park Commission and any raised comments or concerns addressed.

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- 4 All proposed signage must conform to all Town requirements.
- 5 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.
- 6 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 7 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. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the patrons and employees of the hotel.
- 8 With regard to appropriate site development and management for portions of the site that were formerly used for waste disposal, a review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- 9 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. We understand that letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, has previously been issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation, and that there is no net change in the demand.
- 10 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 11 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.



Douglas J. Schletz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Department of Health
Palisades Interstate Park Commission
New York State Department of Environmental Conservation

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**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.

