



Rockland County

Ed Day, Rockland County Executive

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: 74.11-1-24

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

Map Date: 12/10/2018

Date Review Received: 1/11/2019

Item: *MIDTOWN HOLDING (KEYSTONE CONSTRUCTION NY INC.) (O-657D)*

Conditional use permit to allow a warehouse space to be used for storage of construction tools and vehicles. The site would be used for daytime parking of employee vehicles, overnight parking of construction vehicles, and interior storage of interior renovation construction materials. The parcel is located in the LI zoning district and is on 3.02 acres.

North side of Highview Avenue, east side of the railroad tracks and east of Western Highway, west side of the Joseph B. Clarke Rail Trail

Reason for Referral:

Western Highway (CR 15), Orangeburg Road (CR 20), 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 Evergreen landscaping must be provided along the western portion of the site, to shield the outdoor storage area from the adjacent property.
- 2 It must be clarified where the access for this portion of the site will be located. A driveway access is shown on the south side of this area, but it does not appear to be accessible from this portion of the site. If that is the case, then this driveway should be discontinued, and returned to a pervious surface.
- 3 A vicinity map of the site, that contains a north arrow and scale must be provided. In addition, map notes that provide district information and a bulk table must be provided on the site plan.

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4 In June, 2011, a decision was made by the New York State Department of Transportation Administrative Law Judge that this section of Highview Avenue will become a one-way street, eastbound, to eliminate vehicle storage on the tracks. This action is part of the Railroad Quiet Zone program, and will take effect during the build date of 2021. In addition, two entrance warning devices will be installed on the west side of the tracks.

As a result of this decision, access to this site westbound will be impossible. The applicant must be cognizant of the future proposal, and will need to determine appropriate routes to the site for their employees and deliveries coming from the east. Under no circumstances are vehicles to back-up westbound to get access into the site.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
New York State Department of Transportation

Anthony R. Celentano P.L.S.

**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.