



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 20, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.07-1-16

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

Map Date: 7/25/2019

Date Review Received: 8/23/2019

Item: *NICE PAK/PDI (O-1829L)*

Final site plan to permit the installation of two outdoor storage tanks, two indoor mixing tanks, all necessary piping required, and concrete containments capable of collecting 110% of the capacity of each tank for an existing office, manufacturing, and warehouse facility located on 20.15 acres in the LIO zoning district.

East side of Nice Pak Park and Bell Ans Park, south side of the easement for Clausland Mountain Park

Reason for Referral:

Clausland Mountain Park, South Greenbush Road (CR11)

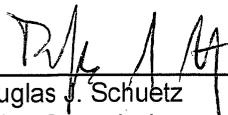
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

**Recommend the following modifications*

- 1 An updated review must be completed by the County of Rockland Department of Health. In addition, the applicant must comply with the comments made in their letter dated July 25, 2019.
- 2 A review must be completed by the County of Rockland Division of Environmental Resources and any comments or concerns addressed.
- 3 The applicant must comply with the comments made by the New York State Department of Environmental Conservation in their letter of July 2, 2019.
- 4 By State Law, the applicant must register with the local fire inspector using Form 209U for the proposed chemical bulk storage materials.
- 5 Under SARA - Title 3, the applicant must register with the Rockland County Fire Training Center.

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- 6 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 Standards for Urban Erosion and Sediment Control.
- 7 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 8 In order to prevent unauthorized access to the adjacent County park through the subject site, access control measures should be installed and shown on the site plan.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Health
Rockland County Division of Environmental Resources
Rockland County Office of Fire and Emergency Services
New York State Department of Environmental Conservation

Greenman Pedersen, Inc.
Integrated Project Services

William Cavazzini, Nice Pak

**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.