



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 21, 2019

Orangetown Town Board
26 Orangeburg Road
Orangeburg, NY 10962

Tax Data: 65.15-1-1

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

Map Date: 2/21/2019

Date Review Received: 8/1/2019

Item: *PATRIOT'S CROSSING (O-952N)*

Zone change from the LO (Laboratory Office District) and R-40 (Low Density Residential) zoning districts to the MRF (Multi-Family District) zoning district for a 17.3166 acre parcel.

South side of the Clarkstown Town Line, east side of NYS Route 303, west side of North Greenbush Road, opposite Birchwood Drive

Reason for Referral:

Town of Clarkstown, NYS Route 303, North Greenbush Road (CR 11), Buttermilk Falls County Park

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 Paul E. Olsen, Ph.D., a Professor of Earth and Environmental Sciences at Lamont Doherty Earth Observatory of Columbia University, is acknowledged as the preeminent expert on geology and paleontology of the Newark Basin area, where the subject property is located. In 1972, Dr. Olsen, along with Robert F. Salvia, discovered fossilized footprints and other plant fossils on the subject parcel. While some of the tracks were removed from the site, many of the fossils were left in place. Dr. Olsen has indicated that the specific location of the site is unique in Rockland County and in New York State with the regard to the potential to contain paleontological evidence in the form of fossils and especially due to the diversity of types of samplings the site offers.

On September 20, 2008, Dr. Olsen published his final report on a study he conducted of the site for paleontological evidence that same year. In it, he notes it is likely that significant new material could be discovered, should large-scale excavation happen. If excavation for development is to occur, he mentions a secondary goal of it should be for the discovery of additional fossil material. He further explained that excavation should be completed by removing large blocks of rock by mechanical excavators and subsequently cleaning the rock sufficiently for paleontological examination. He recommended that any fossil material found should be removed and, if the quality warrants it, deposited in an appropriate museum. We recommend that notes be added to the site plan describing this excavation procedure as a requirement and that compliance be a condition of any

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future site plan approval.

2 A review must be completed by the County of Rockland Department of Health and any comment or concerns addressed.

3 A review must be completed by the New York State Department of Transportation and any comments or concerns addressed.

4 A review must be completed by the County of Rockland Division of Environmental Resources and any comments or concerns addressed.

5 The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern border of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Clarkstown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 Because the wetlands on the site have been determined to be federal wetlands, a review shall be completed by the U.S. Army Corps of Engineers (ACOE), and any comments or concerns addressed.

7 All wetland and wetland buffer areas to be preserved shall be clearly marked in the field prior to any clearing or construction. Notes shall be placed on the site plan regarding this field-marking requirement, as well as to explain the long-term use restrictions for these areas, including that no accessory structures shall be placed in these areas. We recommend that the wetland buffers or setbacks be shown as Conservation Areas.

8 The proposed plans shall comply with the Route 303 Overlay Zone, to the extent applicable.

9 The last time this parcel was reviewed, a subdivision was to occur with lot #3, a 4.4581-acre parcel, to be dedicated to the Town of Orangetown for the creation of "Jurassic Park." It must be indicated as to the status of this dedication, and whether this preservation is still planned to occur.

10 The Full Environmental Assessment Form indicates that there is no bedrock outcropping located on this parcel. Aerial imagery available to this department and the final report on fossils by Dr. Olsen, as mentioned above, show that a portion of the site has exposed bedrock. The Form shall be corrected to say there is bedrock outcropping on the site and should include the percentage of the site that is comprised of bedrock outcropping.

11 Map Note #17 refers to United Water as the water supplier. This should be corrected to Suez Water.

12 The bulk table provided with the map has a star next to the proposed value for the rear yard, indicating a note is attached to this number. However, there are no notes for the bulk table. The note should be added, or the star shall be removed.

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13 The Town of Orangetown must do a comprehensive analysis of the site area to determine if other parcels should also be rezoned to the MRF zoning district.

14 If the zone change is approved, in order for the Rockland County Planning Department to update the zoning map for the Town of Orangetown, a copy of the Town Board resolution adopting the zone change must be sent for our records. Once the map is updated, if further action is required to adopt the revised zoning map, it is the responsibility of the Town of Orangetown.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Highways
New York State Department of Transportation
Rockland County Division of Environmental Resources
Rockland County Sewer District #1
New York State Department of Environmental Conservation

E.D.P. Landscape Architecture & Engineering
Town of Clarkstown
U.S. Army Corps of Engineers
Paul E. Olsen, Ph.D.

**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.

