

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 28, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 73.08-1-4 73.08-1-3 73.08-1-1

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

Map Date: 4/19/2019

Date Review Received: 5/1/2019

Item: PROJECT SYCAMORE DATA CENTER SITE PLAN AMENDMENT (O-2064L)

Amended site plan to a previously approved plan to address required regrading to retain excess soil quantities generated from the New York State Department of Environmental Conservation (NYSDEC) Brownfield program parameters for a 260,000 sq. ft. data center and a visitor entry building to be constructed on 60.96 acre campus in the RPC-OP zoning district. The need for the regrading is due to the volume of soil and recycled concrete aggregate being generated on site. The original design intent was to balance the soil movement on the property since that is a requirement of the NYSDEC Remediation Program. However the concrete aggregate volume is more significant than expected, and four areas of the site are proposed to be regraded: 1) the northwest frontage to Third Avenue, which will be flattened; 2) the northeast area along the Broadacres Golf Course, which will have more detailed grading; and the southeast corner of the property, where the grade will be raised with mounding and berms from 5' to 15' in height. A supplemental SWPPP plan addressing this soil movement is also provided in the application materials.

South side of convent Road, east side of Third Avenue, north side of Oak Street, and west side of First Avenue

Reason for Referral:

Convent Road (CR 26)

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 Highways and all concerns addressed and all required permits obtained.
- 2 An updated review must be completed by the County of Rockland Department of Health, and all required permits obtained.

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- 3 An updated review must be completed by the County of Rockland Office of Fire and Emergency Services and any comments addressed.
- 4 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.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 6 Some of the retaining walls are very extensive and are over 10 feet in height, and as high as 16'. Terracing must be considered to help break up the massive wall structures. In addition, the walls should be screened by vegetation or faced with wood, stone or other earth colored materials that blend with the surrounding natural landscape to abate the visual impact of the walls, especially those walls in area visible to adjacent neighbors or the public. Lastly, retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- 7 Given the extensive regrading of the site, cross-sections and/or site profiles should be provided, especially in the areas where the walls are very high and the regrading is considerable. This will provide better visuals of the final topography of the site



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Acting Commissioner of Planning

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

Convent Road (CR 26)
Dewberry
Brian Quinn, Esq. - Montalbano, Condon & Frank P.C

**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.