Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 22, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 78.18-1-2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/20/2018 **Date Review Received:** 12/21/2018

Item: ***THE FILLING STATION (O-2095F)***

Site plan for a proposed expansion of an additional parking area for an existing restaurant located on .92 acres in the R-80 zoning district. Two gravel parking lot expansions are proposed, and these areas will only be used seasonally during the peak warmer months.
East side of US Route 9W, approximately 570 feet north of Closter Road

Reason for Referral:

US Route 9W, Long Path, Tallman Mountain State 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 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

2 A review must be completed by the Palisades Interstate Park Commission, and any raised concerns addressed. The previous application to permit the sidewalk café, was reviewed by them in 2013. In a letter dated July 15, 2013, they raised several issues regarding the 20-foot vegetative buffer along the northern boundary. Both the existing shed and the dumpster, as well as the proposed northern parking area infringe on this 20-foot buffer. As requested in this letter, the shed, dumpster, and parking area must be relocated so that they are outside of the vegetative buffer.

3 The comments in the December 31, 2018 letter from the Rockland County Department of Health must be met.

4 The location of the existing dumpster must be illustrated on the site plan.

THE FILLING STATION (O-2095F)

5 The landscaping plan provided only illustrates trees to be removed. A landscaping plan must be provided that provides additional vegetation to supplement the existing plantings to replace the trees that are to be removed for the installation of the parking areas.

6 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

7 A review must be completed by the New York - New Jersey Trail Conference and any comments addressed.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
New York State Department of Transportation
Palisades Interstate Park Commission
New York - New Jersey Trail Conference
Rockland County Department of Health

Civil Tec Engineering & Surveying PC

**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.