



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 Miller
Deputy Commissioner

June 11, 2020

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 77.07-2-1

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

Map Date: 5/1/2018

Date Review Received: 5/20/2020

Item: 115 NEW YORK ROUTE 303 (O-658P)

Modified site plan for a self-storage facility in an existing 99,660 SF building located on 8.47 acres in the LO zoning district. Modifications include the removal of curbing and its replacement with permeable paving and the relocation of site lighting.

Northeast corner of NYS Route 303 and Kings Highway

Reason for Referral:

NYS Route 303, Palisades Interstate Parkway, Sparkill Creek, federal & state wetlands

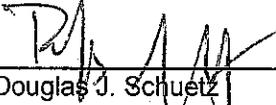
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****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.
- 3 A review must be completed by the County of Rockland Drainage Agency, and any required permits obtained.
- 4 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 5 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 6 A review must be completed by the New York State Department of Environmental Conservation for the wetlands on site, and all required permits obtained.

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- 7 The floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
- 8 The site plan notes state that 54 parking spaces are provided, but only 52 spaces are shown. The number of provided parking spaces must be clarified and the site plan corrected.
- 9 The site plan does not include a parking calculation. A warehouse with over 90,000 SF of floor area should require over 300 parking spaces. A calculation must be provided and, if necessary, a variance for parking must be obtained.
- 10 Because new lighting is proposed for the site, 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.
- 11 The site plan shall include map notes that list all appropriate information, including the district details. A vicinity map with a scale and north arrow must also be provided.
- 12 The Town shall be satisfied that all of the applicable provisions of the Route 303 Overlay Zone have been addressed.
- 13 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
New York State Department of Environmental Conservation
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Health
Rockland County Drainage Agency
United States Army Corps of Engineers

Frank G. Relf Architect, P.C.

Donald Brenner

**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.