

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

May 22, 2020

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 65.18-1-22

65.18-1-1

70.06-1-1.12

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

Map Date: 3/12/2020

Date Review Received: 4/27/2020

Item: *ONYX MANAGEMENT/AMAZON DELIVERY CENTER (O-1168TTTT)*

Site plan for the construction of an approximately 23,744 SF canopy over the space between two existing warehouses located on 37.8 acres in the LO zoning district. Other site improvements include restriping and regrading portions of the existing parking lot, new pedestrian paths, and a new vegetated buffer along the western boundary of the site.

West side of the railroad tracks parallel to Bradley Hill Road, approximately 555 feet south of the Clarkstown town line boundary, and straddles Oritani Drive, just southeast of Avis Court.

Reason for Referral:

Western Highway (CR 15), Leber Road (CR 36)

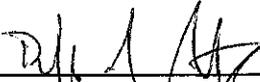
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and any required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 3 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.
- 4 There shall be no net increase in the peak rate of discharge from the site at all design points.

ONYX MANAGEMENT/AMAZON DELIVERY CENTER (O-1168TTTT)

- 5 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by staff and customers.
- 6 All proposed site identification signage must be shown on the site plan, and conform to all Town requirements.
- 7 The project narrative provided by Cuddy & Feder LLP incorrectly states tax parcel 65.18-1-18 as part of this proposal. This shall be corrected to 65.18-1-22.
- 8 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
Rockland County Department of Health
Rockland County Department of Highways
United States Army Corps of Engineers

CESO, Inc.
American Graphix Solutions

Cuddy & Feder LLP (c/o Daniel Patrick)

**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.