

**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*

October 16, 2020

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 64.17-1-78

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

**Map Date:** 6/5/2020

**Date Review Received:** 10/5/2020

**Item:** *ORANGE BANK & TRUST (O-1751F)*

Site plan for the conversion of an existing vacant restaurant/café to a bank located on 0.78 acres in the CO zoning district. Modifications to the site will include renovating the parking lot, resurfacing and restriping the macadam, removing excess gravel areas, fixing the curb, installing new signage, new lighting, and new landscaping. Interior renovations will also be made, as well as the installation of a drive-up ATM with a new canopy.

East side of North Middletown Road, approximately 175 feet south of Hovenkamp Avenue

**Reason for Referral:**

North & South Middletown Road (CR 33), West Townline Road (CR 42), Town of Clarkstown

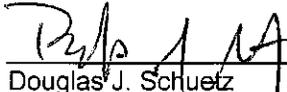
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

- 1 The applicant must comply with the comments made by the Rockland County Highway Department in their letter of October 7, 2020.
- 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 The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary is 160 feet north of the site. As required under Section 239nn of the State General Municipal Law, the Town of Clarkstown must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
- 4 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.

**ORANGE BANK & TRUST (O-1751F)**

- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown  
Rockland County Department of Health  
Rockland County Department of Highways  
  
Degraw & Dehaan Architects  
Town of Clarkstown

Jay A. Greenwell, PLS

*\*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.*