

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

June 25, 2020

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.10-1-67

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

Map Date: 3/11/2020

Date Review Received: 6/17/2020

Item: *ORANGETOWN SHOPPING CENTER - ELECTRIC VEHICLES CHARGING EQUIPMENT (O-1112X)*

Site plan for the installation of four electric vehicle charging stations, and the associated equipment pad and transformer, at an existing shopping center located on 10.98 acres in the CS zoning district. Six of the current parking spaces will be removed to make room for the four electric vehicle charging spaces. A retaining wall will be built for the required electrical power equipment.

South side of Orangeburg Road, east side of Dutch Hill Road, west side of Oak Street, north side of Highview Avenue

Reason for Referral:

Orangeburg Road (CR 20), Palisades Interstate Parkway

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 all 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 A review must be completed by the Palisades Interstate Park Commission, and any raised concerns addressed.
- 4 A variance was previously granted on September 21, 2016 for the shopping center to permit less than the required number of parking spaces. The applicant is now proposing to further reduce the number of spaces to install the electric vehicle charging spaces. Due to this, a new variance will be required. We request the opportunity to review said variance, as required by New York State General Municipal Law.

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- 5 The site plan indicates a stub up for a future dispenser is to be installed at the space directly east of the space for dispenser #1. If any dispensers are installed in the future, we request the opportunity to review the site plan for said installation, as required by New York State General Municipal Law.
- 6 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
Palisades Interstate Park Commission
Rockland County Department of Highways
Rockland County Department of Health

Kimley Horn
Electrify America

Lauren Sweeney

**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.