



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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THOMAS B. VANDERBEEK, P.E.
Commissioner

C. SCOTT VANDERHOEF
County Executive

October 28, 2013

ARLENE R. MILLER
Deputy Commissioner

Orangetown Zoning Board of Appeals
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 76.08-1-1

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

Map Date: 8/6/2013

Date Review Received: 10/3/2013

Item: *LSI SERVICES INC. (O-2018D)*

Variances to permit a proposed 2,304 sq. ft., one-story garage and landscaping storage yard on .43 acres in the LIO zoning district. Variances include: less than the required lot area, lot width, street frontage, side yard, total side yard, rear yard, and parking; greater than permitted building height, development coverage, and fence height in the front yard; gravel parking instead of paved parking and accessory storage is not completely within enclosed buildings.
West side of Blaisdell Road, approximately 600 feet south of Ramland Drive

Reason for Referral:

Blaisdell Road (CR 17), Borough of Old Tappan, NJ

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 An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 Due to the narrow lot width, landscaping must be provided to visually enhance the site, both along Blaisdell Road and along the southern property line that abuts the adjacent municipality.

LSI SERVICES INC. (O-2018D)

3 The Borough of Old Tappan, NJ is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the western property line, directly adjacent to the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Borough of Old Tappan, NJ must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Borough of Old Tappan, NJ must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

4 Inadequate parking for a site that has access to a County highway can impede the safe and efficient flow of traffic and create unsafe access conditions, multiple movements to and from the roadway, and result in the need for parking within the County right-of-way. The Town must continually monitor the site to ensure that overflow parking does not occur, or that vehicles do not park within the County right-of-way. If it is found that inadequate parking does result and that vehicles continually park along the roadways, then the applicant must provide alternate offsite parking arrangements with an adjacent or nearby user to correct this problem.



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
Jay A. Greenwell, PLS
Borough of Old Tappan, NJ

**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.