



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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THOMAS B. VANDERBEEK, P.E.
Commissioner

March 10, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 76.08-1-4 76.08-1-3

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

Map Date: 11/15/2013

Date Review Received: 2/24/2014

Item: 337-339 BLAISDELL ROAD (AKA SKAE TRAINING) (O-1891H)

Variations to allow a proposed 10,300 sq. ft. physical fitness/training center on 14.96 acres in the LIO zoning district. Variations required include: front yard, side yard, and building height.

East side of Blaisdell Road, north side of the New York/New Jersey border, approximately 545 feet south of Ramland Road

Reason for Referral:

Blaisdell Road (CR 17), Borough of Old Tappan, NJ, Army Corps of Engineers 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 The required front yard is proposed to be reduced so that the proposal can fit on the site given the location of the federal wetlands. These parking spaces are directly facing west into the County highway right-of-way. To prevent headlights from shining into the right-of-way, low evergreen landscaping must be provided along the frontage where the parking spaces are being proposed.

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2 This property is adjacent to the Borough of Old Tappan, New Jersey, which is comprised of single-family residential uses. One of the variances proposed is for the side yard on the south side of the property, which is next to the single-family use. Though not indicated in the zoning board of appeals transmittal letter, a variance for the required buffer adjacent to a residential use is also required. The proposed site plan layout for the new use depicts the new building in the southwestern most portion of the site, right on the setback lines, so is only a minimum of 50 feet from the adjacent residential use. In addition, the parking which is located within the yards, is no more than ten feet from the property line, and directly faces the residential parcel to the south. The headlights of the parked vehicles will be shining directly towards this residential use. Locating the parking in very close proximity to the adjacent residential use does not seem to be mitigating the impacts to this residence.

The wetland site constrictions are dictating the location of the parking and building, which are being placed in close proximity to the abutting residential use. Reducing both the yard and the buffer requirements when the site is adjacent to a residential area, do not seem to protect the neighboring properties. Instead, it is more usual for buffer areas to be increased or enhanced when adjacent to residential uses. To help mitigate the reduced yard and buffer, either a berm and/or an evergreen landscaped area must be provided along the southern property line. This can help to can act as a visual and noise barrier. In addition, the proposed parking area facing south should be relocated to the northern end of the proposed parking so that it is out of the required yards when adjacent to a residential use or zoning district.

3 Another variance being sought is for building height. The need for this variance is due to the placement of the structure on the site because of the location of the federal wetlands. The building design proposed appears to be very commercial in nature, and will result in a fairly large wall adjacent to the residential use. With a reduced side yard, and an increased building height, the visual impact to the adjacent residential zone will be exacerbated. Mature evergreen landscaping must be provided to reduce the visual impact of the building height.

4 The Borough of Old Tappan, New Jersey is one of the reasons this proposal was referred to this department for review. The municipal boundary is directly adjacent to the site to the south. 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.

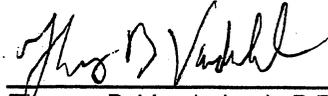
In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

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 must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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5 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.

6 As indicated above, this proposal will also require a variance from Chapter 43, Section 3.12, Note #2 for the required 100 foot buffer when the side or rear lot line of a lot in the LIO adjoins or lies within 25 feet of any R district. We are not in favor of reducing this buffer without some other type of mitigation measure being provided.



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

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
United States Army Corps of Engineers
Sparaco & Youngblood, PLLC
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.

