



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 Town Board
26 Orangeburg 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: 8/5/2013

Date Review Received: 2/10/2014

Item: *COLUMCILLE PROPERTIES (O-1891G)*

Zoning code amendment to allow "fitness and physical training center" as a conditional use in the LIO zoning district.

Throughout the Town - a specific property is the impetus for this zoning code amendment, and is located on the east side of Blaisdell Road, the 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 This zoning code amendment appears to be written to accommodate one specific project proposed on Blaisdell Road. By changing the zoning ordinance, all properties within the LIO zoning district will also be affected by the new conditional use. The Town must review all locations to ascertain that the new use and regulations are appropriate in all LIO-zoned properties.

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2 The specific parcels that are the impetus for the zoning code amendment are located on the border with the Borough of Old Tappan, New Jersey, and are adjacent to single-family residential uses. One of the changes being proposed to the zoning ordinance is to eliminate the added buffer requirement when adjacent to a residential district. In addition, the required side yard has been reduced from 100 feet to 50 feet. 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 is located within the yards, and is no more than ten feet from the property line. Ironically, part of the proposed zoning code amendment text states "in order to protect neighboring properties from intrusive noise and light...limitations should be placed on the outdoor portion." In addition, the text also states "To the south, in New Jersey, is a large residential area; however, the site can be configured to mitigate impacts on these residences." Locating the parking in very close proximity to the adjacent residential use does not seem to be mitigating the impacts to these residences.

The amendments to the code are being written so that the proposed use can be accommodated on these two parcels. The building being proposed is a commercial use, has a large and high wall area, and requires accessory parking. The wetland site constrictions are dictating the location of the parking and building, which are being placed as close as possible 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. The proposed zoning code amendments must be changed so that at a minimum, the required side and rear yards, when adjacent to a residential uses, are enhanced with evergreen landscaping that can act as a visual and noise barrier. In addition, the zoning code amendment must require that all parking areas be kept out of the required yards when adjacent to a residential use or zoning district.

3 In the previous site plan review, it was indicated that there would be an Astroturf athletic field. At that time, we raised concerns about parking. The parking standards proposed are minimal for the type of use. If a team sport such as rugby, football, or lacrosse are using the field, then is adequate parking being provided? In order for team sports to be played, even if the players will arrive by buses, the spectators will be driving to the field to watch the sport, and will require parking as well. Overflow parking along the County highway is not acceptable. The specific goal of the outdoor field must be clarified, and the Town Board must review the parking standards to ensure that adequate parking can be provided for all of the proposed uses.

4 As indicated above, reducing the yard setback and eliminating the buffer requirement when adjacent to a residential zone or use, is an issue. To further compound the impact to the residential use to the south, the proposed parking lot is directly facing south. Headlights from parked vehicles will be shining directly into the residential use, especially if no landscaping is provided. In addition, the proposed dumpster is located on this south side as well, and will result in garbage truck noise impacting the residential use. The zoning code amendment must require an increased side or rear yard, require an additional buffer, and require either a berm or a evergreen landscaping when parking lots are facing the residential zones/uses. This will help to reduce the impacts of the commercial development, and shield the headlights and associated noise to the adjacent residential uses. Lastly, the zoning code must state that dumpster locations be located as far from the residential uses as possible so to mitigate the noise impacts.

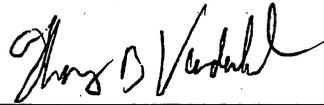
5 A review of the proposed zoning code amendment must be completed by the County of Rockland Department of Highways and any comments or concerns addressed.

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6 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.



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.

