



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax. (845) 364-3435

EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

June 16, 2014

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 77.15-1-24

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

**Map Date:** 12/18/2013

**Date Review Received:** 5/12/2014

**Item:** *WALGREEN'S PHARMACY (O-2247)*

Variances to permit construction of a new 14,624 sq. ft. commercial building in the CS zoning district on 1.09 acres. Required variances include greater than permitted sign area, and less than the required sign setback, and parking. With regard to the Route 303 Overlay zone, variances required include no vegetative buffer and signage within the buffer, and more than 35% of the parking located within the front yard.

Southeast corner of Oak Tree Road and NYS Route 303

**Reason for Referral:**

NYS Route 303

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:

***\*Disapprove***

1 With regard to the variances for sign size and sign setback, we are disapproving the proposed variances for the following reason: The Town's zoning standards are reasonable and should be followed. The granting of these variances can set a precedent and encourage nearby commercial uses along the State highway to request similar exemptions. The proposed sign size variance is 244% greater than permitted and must be scaled back. The sign location is located only two feet from the property. The resulting proliferation of oversized and sign setback will have an adverse effect on the safe and efficient flow of traffic along the State highway. If your Board finds there is a pattern of requests for sign variances and that some rationale exists for lessening the Town's standards, we suggest a recommendation be made to the Town Board to revise the sign standards on parcels that front high-volume traffic corridors.

## WALGREEN'S PHARMACY (O-2247)

2 With regard to the variance required for the number of parking spaces we are approving it with the following modifications: The site is situated on a busy State highway, and is deficient in parking by almost 23%. There is no room on the site for additional parking, if it is found that there is insufficient on-site parking. Inadequate parking for a site that has access to a State 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 State right-of-way. The building must be reduced so that adequate parking can be provided. In the alternative, the applicant must provide alternate offsite parking arrangements with an adjacent or nearby user to ensure that insufficient parking on the site does not result in patrons parking within the State right-of-way. A parking agreement must be provided by the applicant.

3 With regard to the variances required for the Route 303 Overlay Zone, we are approving it with the following modifications: The Town of Orangetown took several years to develop the Route 303 Overlay Zone. The Town worked with the New York State Department of Transportation, the County of Rockland, and the New York Metropolitan Transportation Council to develop transportation improvements that could address safety and traffic issues, while making land use recommendations that focused on the quality of life. A tremendous public outreach was undertaken so that a balanced and sustainable approach could be achieved in development within this corridor. It was recognized during the process that it would be difficult to make existing land uses conform to the standards in the Route 303 corridor, but that all new uses could be designed to meet the requirements.

With the demolition of the existing building, and the construction of a new commercial use, the Town now has the opportunity to have the property better conform with the standards of the Route 303 Overlay Zone. Best management practices for transportation were incorporated in the zoning law by encouraging connections between abutting parking lots and shared driveway accesses to help minimize turning movements onto Route 303. Specifically, sections of the code indicate that the Overlay Zone will "Protect, preserve and improve neighborhood commercial areas at or near the Oak Tree Road...interchanges," "Promote parking in the rear yard of properties," and "Establish landscape screening and buffering provisions." The design layout of the proposed retail use does not even attempt to meet many of the key elements of the Route 303 Overlay Zone. Landscaping is minimal at best, and parking is the dominant feature along the State highway, not landscaping as envisioned.

The proposed retail use must be scaled back so that more of the Route 303 Overlay Zone components can be incorporated into the site plan. Landscaping, buffer areas and parking spaces must be designed so that more than only four feet separate the parking from the property.

The Town should not miss out on this opportunity to improve the site and to implement the important design components of the Route 303 Overlay Zone into the site plan layout.

4 We believe that a variance is also required for Section 13.10 B.(11) in which connections are required. As currently designed, no connections to the adjacent parking lot to the south has been provided, nor any documentation indicating that the adjacent property owner was contacted to try do so.

5 The conditions in the May 7, 2014 letter from the New York State Department of Transportation must be met. They indicate that the access design does not meet their standards, and must be revised. They too encourage a shared access with the neighboring property to the south. In addition, the letter indicates that all plantings shall have adequate offset so as to ensure that growth does not encroach onto the sidewalk. The provision of a landscaped buffer would better aid to ensure that this does not happen.

**WALGREEN'S PHARMACY (O-2247)**

  
\_\_\_\_\_  
Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown  
New York State Department of Transportation  
The Dietz Partnership

Rockland County Planning Board Members

*\*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.*

