



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 27, 2016

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 77.15-1-44

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

Map Date: 6/12/2015

Date Review Received: 8/22/2016

Item: *28 ROUTE 303 (O-1148L)*

Site plan for a proposed 5,699.1 sq. ft. addition for a new body shop, offices, and repair shop to an existing 1,244.2 sq. ft. automotive repair shop on .49 acres in the CS zoning district. A variance for parking may be required to implement the proposed site plan.

West side of NYS Route 303, approximately 360 feet north of the NY/NJ State Line

Reason for Referral:

NYS Route 303, Sparkill Creek, Borough of Northvale, 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:

****Disapprove***

The proposed site plan, as well as the existing conditions, appear to be an overutilization of the property. During a recent site visit, it appeared that excessive paving and storage of vehicles have overtaken the sidewalk that existed along the site's frontage on NYS Route 303, and the buffering of the residential uses at the rear property line. In addition, vehicles and a boat were observed to be parked bumper-to-bumper, in every vacant space on site. Outside storage and display of tires was also observed.

Based on the site visit, and review of 2010 and 2013 aerial photography, it appears that over 50 vehicles are being habitually parked or stored on the site, though the site plan is only proposing a total of 24 parking spaces. Where will the other 30+ vehicles currently stored on site be located, especially once the proposed additions are constructed? The site currently cannot adequately provide sufficient space for all of its needs, and a future expansion will only exacerbate this situation. In light of the existing and proposed site conditions, we recommend that this proposal be disapproved.

The following recommendations address our additional concerns about the proposed site plan.

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1 An updated review must be obtained from the New York State Department of Transportation, and all of their concerns addressed, including the issues raised in their previous letters dated March 30, 2016, April 10, 2013, February 13, 2012 and February 8, 2012.

2 The Borough of Northvale, New Jersey is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 360 feet south of 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 Northvale 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 Northvale must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

3 The Town shall be satisfied that all of the applicable provisions of the Route 303 Overlay Zone have been addressed, including the provision of a 20-foot wide vegetated buffer along NYS Route 303; and a vegetated buffer adjacent to the residential zoned property to the rear; no outside storage for retail sale; and not more than 35% of the parking shall be located within the front yard.

4 All proposed signage must be shown on the site plan, and conform to all Town requirements.

5 A landscaping plan must be provided that includes the following:

(a) low evergreen landscaping along the Route 303 frontage to block headlights from the site from shining into the State road right-of-way,

(b) the 25-foot wide vegetated buffer required by the Route 303 Overlay Zone and

(c) any required plantings for any additional screening and/or vegetated buffers that will be required by the Town.

6 Information shall be provided about any provisions that have been made for stormwater management under the existing and proposed conditions.

7 The existing non-conforming use has far exceeded the parameters for what is allowed on the site. The excessive parking has impacted the circulation on the site, and the required buffers. The applicant must address how mitigation will be provided to the adjacent and nearby residential uses, as well as to the other CS uses.

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8 It is our understanding that the automobile repair shop use is a permitted use in the Town's Light Industrial (LI) zones, and that when this use occurs in a LI zone, additional use regulations apply. The regulations pertain to screening of open storage, limits on the number of parked vehicles per service bay and prohibition of parking in required yards except with permission. To what extent, if any, are such regulations applicable to the automobile repair shop use when it occurs in a CS zone? This must be clarified.

9 The proposed site plan should be revised so that the parking spaces are not immediately adjacent to the property line and, in the case of those across the Route 303 frontage, blocking pedestrian passage, creating a safety hazard for pedestrians along a heavily-traveled State Highway.

10 It must be clarified if the conditions in the August 11, 2015 letter from the Rockland County Department of Health, regarding the status of the existing monitoring wells have been addressed. These monitoring wells, which are not shown on the proposed site plan, must be provided on the site plan. It must also be noted as to whether these wells are proposed to be decommissioned. If they are to be decommissioned, then the applicant must provide documentation that any NYSDEC spills have either been closed, or that all proposed site development plans have been reviewed and approved by the NYSDEC. If any of the existing wells will no longer be used following the proposed site development, a formal notation on the approved plans must specify that the wells will be decommissioned in compliance with Article II of the Rockland County Sanitary Code. Furthermore, this work must be done in accordance with the terms of a well decommissioning permit that must be obtained from the Rockland County Department of Health. In addition, a report on the status of the gasoline tanks that were, or continue to be, located on the site shall be provided.

11 The comments in the August 26, 2016 letter from the Rockland County Department of Health must be met.

12 It is our understanding that the Town Code addresses expansions of nonconforming uses and bulk, and also provides for a one time expansion of up to 50%. How do the existing and proposed use and bulk relate to these provisions? Is the one time expansion provision applicable and, if so, has it been used previously? Notes and related calculations shall be provided on the site plan in this regard, if applicable.

13 A review shall be completed by the Rockland County Drainage Agency and any required permits obtained.

14 A lighting plan shall be submitted for review. No lighting shall shine beyond the property line or into the State right-of-way.

15 A review must be completed by the local fire department or the County of Rockland Office of Fire and Emergency Services to ensure that there is sufficient maneuverability on-site for emergency vehicles.

16 There shall be no net increase in the peak rate of discharge from the site at all design points.

17 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

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18 The bulk table does not list either the required number of parking spaces or whether a parking variance is needed. This information must be provided so that it can be determined if a parking variance is required.

19 The site plan is lacking several features that must be provided. These include a vicinity map, a north arrow and scale for the Vicinity Map, a north arrow for the site plan, and map notes that list all appropriate information, including the district information. These features must be included on the site plan.

20 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services

Simon Kim, Architect
Borough of Northvale, NJ

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.

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.