



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 4, 2016

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.15-1-8

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

Map Date: 4/13/2016

Date Review Received: 9/8/2016

Item: *BLESS ENTERPRISES AUTO SHOP (O-1838A)*

Site plan for a proposed 1,719. sq. ft. addition to an existing automobile repair business located on .47 acres in the LI zoning district. Variances are required for side and rear yards.

East side of NYS Route 303, opposite Stevens Way

Reason for Referral:

NYS Route 303, Rockland County Sewer District #1 facility

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 appears that excessive storage of vehicles and other items has occurred. Vehicles and boats were observed to be parked bumper-to-bumper, in every vacant space on site. Outside storage and display of tires was also observed, as well as a hot dog stand.

Based on the site visit, and review of aerial photography flown in 2010 and 2013, it appears that over 30 vehicles are being habitually parked or stored on the site, and at times over 40 vehicles stored. The vehicles are stacked in depths of up to three tiers at times, making maneuvering of the vehicles on site difficult. The site plan is only proposing a total of 23 parking spaces, with an additional 15 stacked parking spaces illustrated by dashed lines (Does this represent future spaces if needed?) in the middle of the parking area, diminishing the aisle width to only 17.5 feet. Close to ten vehicles and a tent are currently located in the area where the addition is proposed to be built. Where will the other vehicles currently stored on site be located, especially once the proposed additions are constructed?

Lastly, an active hot dog truck is parked in the southwestern corner of the site, exacerbating parking needs, and intensifying traffic on site. Tires, boats, and trailers are also being stored on

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the site. 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.

- 1 A review must be obtained from the New York State Department of Transportation, and any raised concerns addressed.
- 2 An active hot dog stand is located in the southwestern corner of the site. Is this considered an accessory use, or a second permitted use on site? In addition, patrons coming to buy hot dogs, given the existing site constraints have no place to park while making their purchase without blocking the access. The Town of Orangetown must ascertain if this second use is permitted, and if additional parking spaces are required. If not, then bulk and use variances may be required.
- 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; no outside storage for retail sale; and not more than 35% of the parking shall be located within the front yard.
- 4 We are concerned with the availability of onsite parking and storage during the construction phase. Where will the construction vehicles park? Where will the construction materials be off-loaded and stored? The site currently has insufficient space for the current use; any additional activity will only exacerbate the parking deficiency. The Town of Orangetown must monitor the site during the construction period to ensure that no parking or unloading of materials occurs within the State right-of-way. It must also ensure that no accesses are blocked thereby impeding the safe and efficient flow of traffic on the State highway.
- 5 The comments in the September 23, 2016 letter from the Rockland County Drainage Agency must be met. All required permits must be obtained.
- 6 All proposed signage must be shown on the site plan, and conform to all Town requirements.
- 7 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.
- 8 Information shall be provided about any provisions that have been made for stormwater management under the existing and proposed conditions.
- 9 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. The Town must determine if these requirements have been met.

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- 10 A lighting plan shall be provided that shows fields of illumination. Lighting shall not shine beyond the property line or into the State highway.
- 11 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.
- 12 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 13 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.
- 14 The heights of the existing retaining wall must be provided.
- 15 The proposed commercial building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 16 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.
- 17 The site plan is lacking several features that must be provided. These include a map notes that list all appropriate information, including the district information and a legend. These features must be included on the site plan.
- 18 We request the opportunity to review any variances which may be necessary to implement the proposed site plan. In addition, if any variances are needed from the New York State Uniform Fire Prevention and Building Code, they must be obtained.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Sewer District #1
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Drainage Agency

William A. Truss Engineering, P.C.
Orangeburg Fire District

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.

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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.