

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

April 29, 2016

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

**Tax Data:** 70.15-1-47

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 3/29/2016

**Date Review Received:** 4/8/2016

**Item:** *GEORGE'S AUTO BODY (O-1316D)*

Variances to permit the rebuilding of an existing auto body shop destroyed by a fire, and a 1,474 sq. ft. addition to the rear of the building, for a total of 4,563 sq. ft. The commercial use is located in the CC zoning district on .418 acres. Required variances include: expansion of a non-conforming use; non-compliance with the provision of a 25' vegetated buffer along NYS Route 303; signage and lighting within the required 25' buffer; more than one curb cut; outdoor storage of vehicles; less than the required front yard, greater than permitted land coverage; and less than the required number of parking spaces.

Southeast corner of NYS Route 303 and East Erie Street

**Reason for Referral:**

NYS Route 303, Greenbush Road (CR 11)

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***

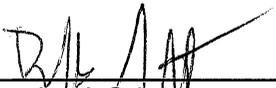
- 1 An updated review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 A work permit must be obtained from the Rockland County Department of Highways prior to the commencement of construction.

**GEORGE'S AUTO BODY (O-1316D)**

3 We are concerned with the lack of sufficient parking being provided on site given the fact that the site is located on a State highway. Including the nine spaces indoors, the site is deficient in parking by over 30%. Insufficient parking 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 or along East Erie Street. The Town should monitor the site's parking usage to ensure that vehicles are not parking within any road rights-of-ways. If it is found that additional parking is needed, then the applicant must provide alternate offsite parking arrangements with an adjacent or nearby user to correct this problem.

4 All proposed lighting shall be shown on the site plan as well as the fields of illumination. No lighting shall shine outside of the property or into the State right-of-way.

5 To further help reduce the amount of impervious pavement on the site, additional areas should be planted with landscaping. This could be done in the northeastern portion of the site that is proposed to be striped.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown  
New York State Department of Transportation  
Rockland County Department of Highways  
Jay A. Greenwell, PLS

*\*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.*