

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 22, 2016

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 70.14-4-12

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

Map Date: 9/28/2016

Date Review Received: 11/1/2016

Item: *KOLB SUBARU SITE PLAN & CONDITONAL USE PERMIT (O-881C)*

Site plan, and conditional use permit, to permit the demolition of an existing building on site, construction of a new 17,738 sq. ft. one-story metal-framed service building for an automobile dealership. The site is located on 2.02 acres in the CC zoning district.

Southwest side of E. Erie Street 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:

****Recommend the following modifications***

1 The Town of Orangetown undertook a two-year study 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. Transportation improvements, and environmental and aesthetic issues were focused on during the study. 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 should be designed to meet the requirements.

With the demolition of the existing building, and the construction of a new commercial use, the Town has the opportunity to implement more of the Route 303 Overlay District requirements as stated in Section 13.10 of the Zoning Ordinance. A twenty-foot wide vegetated buffer, a minimum of six-feet high, must be provided along the property line adjacent to the Route 303 right-of-way. In addition, not more than 35% of all parking is permitted with the front yard of the parcel; with the

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balance of the parking and loading/unloading areas located in the rear or side yard of the premises. These requirements must be included in the site plan and conditional use permit.

2 As required in Section 13.10 B. (13), a traffic impact study and access management plan must be provided.

3 Section 13.10 B. (6) specifically prohibits automotive car dealerships, automotive repair and body shops, and outside commercial storage of five or more automobiles. The proposed use seems to be in violation of this Section of the Town of Orangetown Zoning Ordinance. Is a use variance therefore required to permit this prohibited use? This must be clarified.

4 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and all required permits obtained.

5 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

6 A landscaping plan that meets all Town requirements shall be provided.

7 Low evergreen landscaping or a berm must be provided in front of the parking spaces facing the roadway to shield headlights from shining into oncoming vehicles traveling on the road.

8 Map Notes #18 and #25 refer to landscaping shown on the site plan. The plans submitted with the application do not contain landscaping plans. These notes must be updated to accurately depict the submission.

9 The parking calculations indicate that 87 parking spaces are required, yet 100 spaces are provided. It must be clarified why the additional 13 parking spaces are needed. A reduction in the number of parking spaces will decrease the amount of impervious coverage, and allow for the provision of the required 20-foot vegetated buffer area along NYS Route 303.

10 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.

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

12 The new tax map identification number (70.14-4-12) must be provided on the plans. Currently only the older tax map numbers are referenced on the site plan. The tax map number must be updated.

13 We request the opportunity to review any variances which may be necessary to implement the proposed site plan and conditional use permit.



Douglas V. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Department of Health
John F. Capobianco

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**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.