

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 16, 2016

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

Tax Data: 74.10-1-67

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/21/2016

Date Review Received: 7/27/2016

Item: *ORANGETOWN SHOPPING CENTER (O-1112U)*

Variance for less than the required number of parking spaces to modify a previously approved site plan for an existing shopping center located on 10.59 acres in the CS zoning district. The existing shopping center contains three buildings that total 77,810 sq. ft. Modifications to the site plan include: elimination of a new entry/exit to the shopping center at Orangeburg Road which obviates the need for the construction of the deceleration lane along the east bound lane of Orangeburg Road, and utilizing, improving, and refurbishing the existing roadway and sidewalk entry/exit at Oak Street. The remaining previously approved modifications will remain the same, which include: the construction of a 2,200 sq. ft. commercial building with a drive-through lane, a new pylon business sign, additional parking spaces, construction of a new stairway and pedestrian ramp in front of Building 3, and improvements to the existing lighting, new asphalt paving, concrete sidewalk and walkway installations throughout the premises. The site will be comprised of 80,010 sq. ft. of retail/commercial space and related parking spaces when completely built.

South side of Orangeburg Road, east side of Dutch Hill Road, west side of Oak Street, north side of Highview Avenue

Reason for Referral:

Orangeburg Road (CR 20), Palisades Interstate Parkway

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 A review of the Traffic Impact Study dated April 25, 2014 and submitted by Adler Consulting must be completed by the Rockland County Department of Highways to verify that the number of parking spaces provided will be sufficient to accommodate the future parking demand for the Orangetown Shopping Center. If the Rockland County Department of Highways determines that 378 parking spaces is not sufficient to serve the proposed uses, then additional parking spaces must be provided.

ORANGETOWN SHOPPING CENTER (O-1112U)

2 The Town must monitor the site to ensure that sufficient parking is provided into the future. Under no circumstances are vehicles to park along the County right-of-way.

3 The site plan and narrative indicate that 378 parking spaces are proposed while the referral form and July 13, 2016 memorandum from John Giardiello, PE indicate that 379 parking spaces are proposed. This discrepancy must be resolved and all materials consistent.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Palisades Interstate Park Commission
Rockland County Planning Board

JMC Planning, Engineering, Landscape Architecture
& Land Surveying, PLLC

**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.