

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 7, 2017

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.11-1-25

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

Map Date: 5/3/2017

Date Review Received: 6/15/2017

Item: **17 HIGHVIEW AVENUE PARKING PLAN (O-2330)**

Site plan for the reconfiguration of the parking for an existing commercial use located on .258 acres in the LI zoning district.

North side of Highview Avenue, 65 feet east of Western Highway, and directly east of the Consolidated Rail Corp. right-of-way

Reason for Referral:

Western Highway

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***

Currently, vehicles are being parking haphazardly over the site, and spilling over onto adjacent neighboring properties. In fact, it appears that more vehicles are being parked outside of the property than within the property boundary. As no easements have been obtained, these vehicles are being parked illegally. We have many concerns regarding this site, and have provided them below.

1 This lot is a very narrow parcel, with lot widths just over 50 feet. Access into the parking areas for the site is only eight feet wide, with parking space widths only nine feet wide. Section 6.35 Access, of the Town of Orangetown Zoning Ordinance provides standards for access widths. The minimum access width noted is twenty feet for a parking area containing less than 20 spaces. The applicant is proposing an on-site parking area of 35 parking spaces. The access width for parking areas over 20 spaces is twenty-four feet wide. The eight foot wide access is not wide enough for a single vehicle to pass; and is impossible for two-way traffic. The four parking spaces parallel to the building must be eliminated so that the access comes closer to conformity.

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2 Section 6.331 does not permit backing into public highways. The three spaces proposed along Highview Avenue must be relocated or reoriented so that vehicles do not back out into the public roadway.

3 Section 6.34 provides the required parking space size and aisle width. All parking spaces must be a minimum of 9' x 18'. The three parking spaces along Highview Avenue fall well short of the required 18' length, and vehicles would be extending past the property line in order to park. As indicated above, these three parking spaces do not meet the requirements of the Town's parking standards, and cannot be used as designed for parking spaces.

4 The 24 parking spaces to the rear of the building are designated for subcompact cars only. Aerial photography taken in 2016 shows few, if any, subcompact cars parked on the site. No where on the site, with the proposed parking site plan, is there parking available for full sized vehicles, such as SUVs, vans, or trucks. The applicant must redesign the parking layout so that a more feasible and realistic parking arrangement is provided.

5 The access width for the 24 parking spaces at the rear of the site is only approximately 11' wide. This narrow distance makes it virtually impossible to maneuver vehicles into or out of the parking spaces without having to trespass onto the adjacent property. Adequate turnaround space must be provided in order to count a parking space as compliant.

6 Parking spaces 13-16 are only 6.5-7' wide at most. The remaining portion of the parking spaces are located off site, on the Consolidated Rail Corp. property. Map Note 13 states that there are no easements or other reservations of land, except as shown. No easements of any sort have been provided, which would permit access to these spaces over the railroad company's property. These four spaces, as designed, cannot be counted towards the parking requirement, and must be removed.

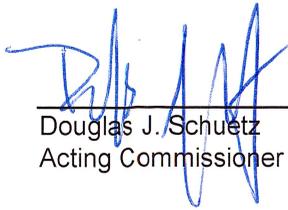
7 The dumpster area is squeezed in between the parking spaces, and is less than 10' wide. It would be virtually impossible for a garbage truck to be able to maneuver to the dumpster from the 8' wide access road. The dumpster must be relocated to a location where the trucks can access the receptacle.

8 A fourteen space parking area is shown on the map. No explanation is provided as to where this parking area is to be located. If the general location shown represents the actual location, then it is questionable how this is possible, given the fact that a building is located in the approximate area. No cross access easement is provided, nor are any driveway or other information given. This lot appears to be just floating on the page. The applicant must provide a complete site plan for this parking area, and provide more information about where this is to be located. Driveway connections must be shown, a turnaround area must be provided, and all required access easements described, with a written agreement in place.

9 Several of the map notes are incomplete or incorrect as written, and must be corrected. Map note #4 is lacking the information; map note #10 must be corrected to be Suez; and map note #13 is not correct as stated, as in order to have this be a compliant parking layout as designed, easements must be obtained.

10 The parking table states that 11 parking spaces are required, and 12 are provided. The site plan being reviewed illustrates 50 parking spaces, most of which have major issues with being compliant as shown. The applicant must demonstrate that the minimum number of parking spaces required for the use can be achieved, and all regulations for parking are met.

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Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Department of Health

Anthony R. Celentano P.E.
Consolidated Rail Corporation

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.

