

**DEPARTMENT OF PLANNING**

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

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

August 22, 2017

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:** 6/21/2017

**Date Review Received:** 7/19/2017

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

A site plan application for a proposed 593 sq. ft. addition to an existing 1,190 sq. ft. automobile repair business located on 0.47 acres in the LI zoning district.  
Eastern 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, several boats, a storage container, and several unlicensed and possibly non-working automobiles were visible. This indicates that the property is being used for long-term storage, not the short-term storage traditionally associated with auto repair work. Vehicles and boats were observed to be parked bumper-to-bumper, in every vacant space on site. Repair work could also be seen happening outside of the garage bays.

Based on the site visit, and review of aerial photography flown in 2010, 2013, and 2016, it appears that over 25 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 21 parking spaces, less than the number currently required prior to the addition. A fenced-in area to the north, and rear of the building also is being used for vehicular parking. The proposed addition will remove this parking and displace these vehicles, which will create more parking demand for the remainder of the site.

The site currently cannot adequately provide sufficient space for all of its needs, and a future

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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 An updated review must be obtained from the New York State Department of Transportation, and any raised concerns addressed and all required permits obtained.
- 2 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; not outside storage for retail sale; and not more than 35% of the parking shall be located within the front yard.
- 3 Given the current state of the site, we are particularly concerned with the impacts created by construction activity. The storage and use of construction vehicles and materials will only exacerbate the existing parking deficiency. The Town of Orangetown must monitor the site during construction to ensure that no parking or unloading of materials occurs within the State right-of-way. It must also ensure that no accessways are blocked, thereby impeding the safe and efficient flow of traffic on the State highway.
- 4 A review must be completed by the Rockland County Drainage Agency, and all required permits obtained.
- 5 All proposed signage must be shown on the site plan, and conform to all Town requirements.
- 6 The proposed site plan indicates that new plantings will be added along the front lot line. However, there is no information given regarding the size, height, or type of plantings that are proposed. A revised landscaping plan must be provided that includes low evergreen plantings along the Route 303 frontage to block headlights from the site from shining into the State road right-of-way, meets the 25-foot vegetated buffer requirement of the Route 303 Overlay Zone, and meets any other Town requirement for buffers or screening.
- 7 Information shall be provided about any provisions that have been made for stormwater management under the existing and proposed conditions.
- 8 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.
- 9 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.
- 10 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.
- 11 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 12 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.

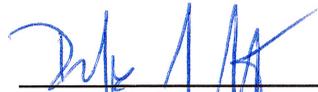
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13 The proposed commercial building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

14 A parking calculation must be provided to ensure that adequate parking is being proposed.

15 The site plan is lacking several features that must be provided. These include map notes that list all appropriate information, including district information and a legend. These features must be included on the site plan.

16 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.

  
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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.*

*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.*

