

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 1, 2017

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

Tax Data: 70.14-4-12

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

Map Date: 12/20/2016

Date Review Received: 1/27/2017

Item: *KOLB SUBARU (O-881D)*

Variations to permit the demolition of an existing building on site, and construction of a new 17,700 sq. ft. metal-framed service building for an automobile dealership. Variations are required for the following: 1) all retail sales and service establishments and accessory storage shall be within a completely enclosed building (outdoor storage of vehicles); and 2) not more than 35% of all parking shall be located in the front yard of any lot or parcel. The balance of the parking and all loading and unloading shall be located in the rear or side yard.

Southwest side of E. Erie Street and NYS Route 303

Reason for Referral:

NYS Route 303

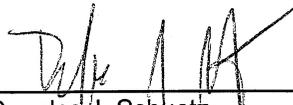
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 NYS Route 303, a State highway, is the reason for our review. Therefore an updated review shall be completed by them to ensure that they have no issues with the proposed parking in the front yard, or outdoor storage of vehicles.
- 2 The comment in the February 1, 2017 letter from the Rockland County Department of Health must be met.
- 3 The Town shall be satisfied that all applicable portions of the Route 303 Overlay Zone have been addressed in the proposed site plan.

KOLB SUBARU (O-881D)

4 Since parking is proposed in the front yard, the landscaping plan must provide plants that help to visually shield the parked vehicles from the State highway. (We note that a vegetative buffer and a landscaped area are proposed on the plans transmitted, but no landscaping plan was submitted, so it is impossible to determine if these areas will be able to buffer or shield the parking from the State highway.)



Douglas J. Schuetz
Acting Commissioner of Planning

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

Jay A. Greenwell, PLS, LLC

**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.