

**DEPARTMENT OF PLANNING**  
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**Douglas J. Schuetz**  
*Acting Commissioner*

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

May 23, 2017

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:** 2/8/2017

**Date Review Received:** 4/21/2017

**Item:** *KOLB SUBARU SITE PLAN & CONDITIONAL USE PERMIT (O-881E)*

Site plan and conditional use permit, to permit the demolition of an existing building on site, construction of a new 17,700 sq. ft. one-story, metal-framed service building for an automobile dealership. A total of 87 parking spaces are required. 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 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 As indicated in the May 1, 2017 letter from the Rockland County Department of Health, an application must be made to them for review of the storm water management system to ensure compliance with the County Mosquito Code.
- 3 The Town shall be satisfied that all applicable portions of the Route 303 Overlay Zone have been addressed in the proposed site plan and conditional use.
- 4 As required in Section 13.10 B. (13), a traffic impact study and access management plan must be provided.

**KOLB SUBARU SITE PLAN & CONDITIONAL USE PERMIT (O-881E)**

- 5 Section 13.10 B. (6) of Chapter 43 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. No discussion has been provided as to whether permitting this use warrants a use variance. This must be clarified.
- 6 The parking calculations indicate that 87 parking spaces are required, yet 92 spaces are provided. It must be clarified why the additional 5 parking spaces are needed. A reduction in the number of parking spaces will decrease the amount of impervious coverage, and reduce the number of parking spaces being needed to be located within the front yard.
- 7 The lighting plan must be revised so that the intensity of the candle lumens is less than 0.1 at the property line.
- 8 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the proposed use.
- 9 Map Note #16 must be revised to indicate that the water supplier is Suez.
- 10 The Bulk Table footnotes must indicate that the needed variances have been granted by the Orangetown Zoning Board of Appeals on March 1, 2017.
- 11 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.
- 12 There shall be no net increase in the peak rate of discharge from the site at all design points.



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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.*

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*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.*

