

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 3, 2017

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 70.06-1-50.4

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

Map Date: 7/21/2016

Date Review Received: 11/23/2016

Item: *PARAGON MOTORS SITE PLAN (O-1168KKKK)*

Site plan for a proposed 30,000 sq. Ft. new car prep center for multiple dealerships, with approximately 10 acres of accessory parking. A berm, fencing, and gates will also be installed to help shield and secure the premises. The site is located on 11.18 acres in the LO zoning district.
North side of Leber Road, southwest side of the railroad right-of-way

Reason for Referral:

Leber Road (CR 36)

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 The proposed parking area does not coincide with the existing lot line boundaries. A lease line is shown along the northern property line between this parcel and tax parcel 70.06-1-1.12. Since more permanent structures are proposed (the retaining wall) on tax parcel 70.06-1-50.4 and currently exist (parking area and driveways) on tax parcel 70.06-1-1.12 that straddle the property boundary, it would make more sense to redraw the tax parcel boundaries so that they contain the features for each parcel. A subdivision to redraw these tax parcels must be done to rectify the features being located off-site.
- 2 It must be clarified if this site is located completely in the LO zoning district. The Town's Zoning Map illustrates that a portion of the site (more than 50%) is actually located in the R-40 zoning district.
- 3 Since the main access to the site is proposed to be over tax parcel 70.06-1-1.12, details must be provided to show how the driveway will tie into it. Cross easements will have to be provided over that parcel for this site as well.

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- 4 A review must be completed by the County of Rockland Department of Highways and any concerns addressed and all required permits obtained.
- 5 As indicated in the November 29, 2016 letter from the Rockland County Department of Health, if a stormwater management system is required, then an application must be made to them to ensure compliance with the County Mosquito Code.
- 6 The comments in the December 8, 2016 letter from the Rockland County Sewer District #1 must be met.
- 7 Details for the proposed landscaping planned for the berm must be provided. Is this a sufficient width to sustain six to eight foot evergreen landscaping? This must be clarified.
- 8 The proposed berm is planned to be only approximately three feet wide. In order to better shield the parking area from the existing residential area to the south, a wider berm should be provided with enhanced landscaping.
- 9 Is any lighting proposed for the site? This must be clarified. If so, 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 adjacent to the residential area to the south.
- 10 A grading plan must be provided that demonstrates that no drainage will flow towards the properties to the south and into the County highway.
- 11 Top and bottom wall elevations must be provided so that the overall height of the wall can be determined.
- 12 The application indicates that a fenced area will be provided for the vehicle storage. However, no fencing has been shown on the plans. If fencing is proposed, then it must be illustrated on the plans, and details provided, including height, materials, etc.
- 13 All variances granted by the Zoning Board of Appeals must be cited on the plans, with the date approved provided.
- 14 The vicinity map must include a scale and north arrow.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Sewer District #1
Rockland County Department of Health
Bart M. Rodi - Engineer

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.

