

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 27, 2017

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 69.05-2-76

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

Map Date: 2/22/2017

Date Review Received: 4/7/2017

Item: *PARKWAY ASSOCIATES/KING CAR SERVICE - PARKING PLAN (O-2231B)*

Parking plan for an existing commercial building located on .145 acres in the CO zoning district. Three retail uses are located on the first floor and three offices on the second floor. A car service is one of the businesses on the second floor, and the parking plan is being provided specifically to permit this use; a non-permissible use in the CO zoning district.

Northeast corner of Veterans Parkway and N. Middletown Road

Reason for Referral:

N. Middletown Road (CR 33), NYS Route 304

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 Some of the parking area is located on the corner of Veterans Parkway and North Middletown Road. This parking area should only be accessed from Veterans Parkway to avoid conflict points on the County roadway. In addition, no vehicles shall back out from these parking spots into the County highway.
- 2 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 3 Most of the parking spaces are located partially or entirely outside of the property boundary. Since all but two of these spaces are located within a town right-of-way, the town must indicate that it is permissible for the owner of the property to use the roadway to satisfy its parking requirements.

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- 4 Since the commercial use is proposed to be intensified, we suggest that the town require screening along the eastern property line adjacent to the residential use.
- 5 It appears that a use variance will be required for the car service use. We request the opportunity to review the application for the use variance when it submitted to the Orangetown Zoning Board of Appeals.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Department of Highways
Robert E. Sorace, PLS

**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.