



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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

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

April 10, 2018

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 74.11-1-25

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

**Map Date:** 2/4/2018

**Date Review Received:** 2/28/2018

**Item:** 17 HIGHVIEW AVENUE PARKING SITE PLAN (O-2330A)

Site plan for the proposed reconfiguration of the parking for an existing commercial use located on .258 acres in the LI zoning district.

North side of Highview Avenue, 65 feet east of Western Highway, and directly east of the Consolidated Rail Corp. right-of-way

### Reason for Referral:

Western Highway (CR 15)

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***

A site visit on April 10, 2018 showed that many issues discussed in our previous review dated August 7, 2017 remain valid. There were at least 17 vehicles parked in the rear of the property, including two FedEx trucks. In addition, there were three vehicles parked in front of the building, and at least three vehicles parked east of the building. The vehicles are still being parking haphazardly over the site, and spilling over onto adjacent neighboring properties. In addition, a truck was being worked on outside of the building, on the edge of the parking area to the rear. As no easements have been obtained, these vehicles are being parked illegally. We still have many concerns regarding this site, and have provided them below.

## **17 HIGHVIEW AVENUE PARKING SITE PLAN (O-2330A)**

- 1 This lot is a very narrow parcel, with lot widths just over 50 feet. Access into the parking areas for the site is only eight feet wide, with parking space widths only nine feet wide. Section 6.35 Access, of the Town of Orangetown Zoning Ordinance provides standards for access widths. The minimum access width noted is twenty feet for a parking area containing less than 20 spaces. The applicant is proposing an on-site parking area of 28 parking spaces. The access width for parking areas over 20 spaces is twenty-four feet wide. The eight foot wide access is not wide enough for a single vehicle to pass; and is impossible for two-way traffic. The five parking spaces parallel to the building must be eliminated so that the access comes closer to conformity.
- 2 Section 6.331 does not permit backing into public highways. The parking area south of the building, still shown as existing on the site plan along Highview Avenue, must be relocated or reoriented so that vehicles do not back out into the public roadway.
- 3 Section 6.34 provides the required parking space size and aisle width. All parking spaces must be a minimum of 9' x 18', or a variance is required for parking space size. The parking area in front of the building must be removed as these spaces along Highview Avenue fall well short of the required 18' length, and vehicles would be extending past the property line in order to park. As indicated above, these parking spaces do not meet the requirements of the Town's parking standards, and cannot be used as designed for parking spaces.
- 4 The previous plans indicated that the 24 parking spaces to the rear of the building were designated for subcompact cars only. Aerial photography taken in 2016 shows few, if any, subcompact cars parked on the site; and as indicated above, large vehicles, including FedEx trucks are being parked on the site. Though the plans currently submitted no do not indicate that these 23 parking spaces are for compact vehicles, the spaces are the same size and contain only one less parking space than the previous plans. No where on the site, with the proposed parking site plan, is there parking available for full sized vehicles, such as SUVs, vans, or trucks. The applicant must redesign the parking layout so that a more feasible and realistic parking arrangement is provided.
- 5 The access width for the 23 parking spaces at the rear of the site is only approximately 11' wide. This narrow distance makes it virtually impossible to maneuver vehicles into or out of the parking spaces without having to trespass onto the adjacent property. Adequate turnaround space must be provided in order to count a parking space as compliant.
- 6 Dumpsters were located along the western portion of the site. Access to these dumpsters must be obtained by traversing over the Consolidated Rail Corp. property. Since no cross access easements have been provided to gain entry onto the adjacent property, and since the dumpsters cannot be accessed without going onto the Rail Corp. property, the dumpster locations must be moved to another section of the site.
- 7 An area has been boxed out, and delineated as being for "Auto Storage Area and Awaiting Parts." This land is not owned by the applicant, and no written agreement has been provided from the owner (O & R) stating permission for its use. No other information is provided regarding the intent of this area. The previous plans showed fourteen parking spaces in this area. A fence is also located partially along this area. If the general location shown represents the actual location, then it is questionable how this is portion of the site will be used, given the fact that a building is located in a portion of the approximate area. No cross access easement is provided, nor are any driveway or other information given. This lot appears to be just floating on the page. The applicant must provide a complete site plan for this parking area, and provide more information about where this is to be located. Driveway connections must be shown, a turnaround area must be provided, and all required access easements described, with a written agreement in place.
- 8 Several of the map notes are incomplete or incorrect as written, and must be corrected. Map note #4 is lacking the information; map note #10 must be corrected to be Suez; and map note #13 is not correct as stated, as in order to have this be a compliant parking layout as designed, easements must be obtained.

**17 HIGHVIEW AVENUE PARKING SITE PLAN (O-2330A)**

9 The parking table states that 11 parking spaces are required, and 16 are provided. The site plan being reviewed illustrates 28 parking spaces, plus an area for "Auto Storage". The applicant must demonstrate that the minimum number of parking spaces required for the use can be achieved, and all regulations for parking are met.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
Rockland County Department of Highways  
Rockland County Department of Health

Anthony R. Celentano, PLS  
Consolidated Rail Corporation

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.*

