

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 16, 2018

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 70.10-3-17

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

Map Date: 9/6/2005

Date Review Received: 3/23/2018

Item: *BLAUVELT COACH DINER (O-1699H)*

Conditional use permit to allow an existing restaurant to have live entertainment (which classifies it as a nightclub), on a parcel located on .73 acres in the CC zoning district. Parking standards are more stringent with "nightclub" uses.

East side of NYS Route 303, approximately 410 feet south of S. Greenbush Road

Reason for Referral:

NYS Route 303, Blauvelt State Park, S. Greenbush Road (CR 11)

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 Our main concern with this proposed new use is that sufficient parking be provided, especially since the site is located directly on a State highway. Restaurant uses require one parking space for every 100 square feet of gross floor area. Parking requirements for nightclubs require that one parking space be provided for every 100 square feet of gross floor area for hours of operation from 6:00 a.m. to 9:00 p.m. (prevailing time), and then one space per 1.5 occupants from 9:00 p.m. to 6:00 a.m. (prevailing time). Spaces may be leased within 750 feet of the nightclub main entrance, with credit given for 6:00 a.m. to 9:00 p.m. parking spaces.

Adding the live entertainment use will change the length of time patrons stay at the restaurant, altering the turnover time, and therefore the parking demands. The Town of Orangetown Planning Board must ensure that adequate parking is provided, particularly during the evening hours. Map Note a) indicates that the property owner has the right to use 13 contiguous spaces, along the eastern boundary on of the Mortos' property. It must be verified that tax parcel 10.10-3-17 can still use these 13 parking spaces. Furthermore, it must be determined if these parking spaces will be adequate to provide all of the needs for the new use. If not, then other off-site parking arrangements must be made with an adjacent property owner, so that if needed, patrons can easily

BLAUVELT COACH DINER (O-1699H)

access alternate parking spaces. Under no circumstances can overflow parking be permitted along the State highway.

2 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

3 The survey plan, dated September 6, 2005 by Jay A. Greenwell, PLS, LLC, has a note regarding the parking along the southern property line. As parking is the main concern for this proposed conditional use, all parking must be clearly defined in the field so that an accurate count can be determined for the parking.

4 A bulk table must be provided, including a parking calculation for the proposed new use. Since the parking calculation is determined by the square footage and occupant capacity, this information must be provided. It must be shown that all required parking can be provided on site. If insufficient parking is proposed, then a parking variance is required. As indicated above, if additional parking is needed, then agreements with adjacent property owners must be in place so as to avoid having vehicles park within the State right-of-way.

5 Since Map Note a) indicates that this parcel has the right to use 13 contiguous spaces along the eastern boundary line, then the site plan must be expanded further south so that these spaces can be illustrated and included in the count. In addition, the parking spaces along the southern boundary must also be clearly delineated, providing an exact count of parking spaces, as opposed to a map note that indicates that there are partial lines, multiple lines, and obscured lines, which are not possible to demarcate.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Highways

Jay A. Greenwell, PLS, LLC
Brian Lee

**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.