

**DEPARTMENT OF PLANNING**

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

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

January 8, 2018

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 74.07-1-6

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

**Map Date:** 8/10/1989

**Date Review Received:** 12/5/2017

**Item:** *C & E ISLAND FLAVOR/TOWN PLAZA II SITE PLAN (O-1179B)*

Site plan review to obtain relief from Section 6.38, reduction in the required total parking spaces from the required 120 parking spaces to a proposed 104 spaces. The parcel is located on .57 acres in the CC and LI zoning districts and the Route 303 Overlay Zone. The reduction in the number of parking spaces is being requested so that a new restaurant can be located in the existing shopping center.  
Northwest corner of Mountainview Avenue and NYS Route 303

**Reason for Referral:**

NYS Route 303, S. Greenbush Road (CR 11), Sparkill Creek

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 One of the reasons for our review of this site is its impact on NYS Route 303. Insufficient parking for a site fronting on a State highway can cause negative impacts to the safe and efficient flow of traffic. However, given the design of the ingress/egress points, it appears that any overflow parking would be limited to Mountainview Avenue. In addition, aerial photography ranging from 2000 to 2016 shows that historically the parking lot is not filled to capacity. In order to ensure that the site can adequately provide sufficient parking for a shopping center at 100% capacity, with the 13+% reduction, the town and/or owner of the property must monitor the site.
- 2 A review must be completed by the New York State Department of Transportation, and any concerns addressed, and required permits obtained.
- 3 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.

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4 As indicated in the December 13, 2017 letter from the Rockland County Department of Health, the proposed restaurant will need to obtain a Food Service Permit from their Department.

5 The narrative from Freeman & Loftus, RLLP and the parking study by Harry Baker both indicate that 104 parking spaces are being proposed/provided for the relief of Section 6.38. However, the site plan submitted with the application, dated August 10, 1989 (revised with added proposed sign) only shows 103 parking spaces. This discrepancy must be addressed, particularly since it directly relates to the relief request.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
New York State Department of Transportation  
Rockland County Drainage Agency  
Rockland County Department of Highways  
Rockland County Department of Health

Ira M. Emanuel, P.C.

*\*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.*