



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 Town Board
26 Orangeburg Road
Orangeburg, NY 10962

Tax Data: 74.07-1-6

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

Map Date:

Date Review Received: 3/26/2018

Item: *TOWN PLAZA II (O-1179C)*

Zone change from Light Industrial (LI) to Retail-Commerce (CC) for a portion of a developed 2.3-acre site located partially within both zoning districts, as well as the Route 303 Overlay Zone. Two buildings exist in the shopping center, and the larger building is located completely within the LI zoning district; the smaller building is located mostly within the CC zone. The applicant is requesting the zone change to CC so that the space can more easily be rented in the center, which would therefore permit restaurants (a use permitted by right in the CC zoning district) and fast food restaurants (permitted in the CC zone by conditional uses by the planning board). Since the shopping center was constructed, restaurant uses have historically occupied much of the retail space.

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:

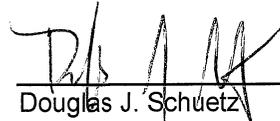
****Recommend the following modifications***

Split zoning districts for individual parcels often cause problems, and should be avoided whenever possible. The site is currently developed with a shopping center use, which currently contains several restaurant type vendors. Our biggest concern with the zone change is to ensure that adequate parking is provided for any potential uses associated with the new zoning district. Since the site fronts on NYS Route 303, it is imperative that adequate parking for the site be provided. Given the design of the ingress/egress points, the fact that the parking requirement for restaurants in the LI zoning district is the same as in the CC zone, documentation that indicates that restaurant uses have already been located within the shopping center buildings with no cited parking issues, and that historically it appears that the parking lots have not been filled to capacity, based on aerial photography ranging from 2000 to 2016, the zone change should have no direct impact on the parking needs. Therefore, we

TOWN PLAZA II (O-1179C)

offer the following comments:

- 1 A review must be completed by the New York State Department of Transportation, and any comments or concerns addressed.
- 2 A review must be completed by the County of Rockland Drainage Agency and any comments addressed.



Douglas J. Schuetz
Acting Commissioner of Planning

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

**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.