

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 2, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 70.10-3-1

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

Map Date: 6/8/2018

Date Review Received: 3/26/2019

Item: *DAVIDSON PARKING SITE PLAN (O-907A)*

Parking site plan for an existing non-conforming use that consists of an auto sales and service facility and a residence, and located on .6004 acres in the LIO zoning district. Variances for screening, vegetative buffer, signage, auto repair use in the Route 303 Overlay Zone, a canopy within the required vegetative buffer, shed and garage in the required rear yard, vehicle lift in the yard, more than the number of parking spaces within the front yard, refuse container within the vegetative buffer, no vegetative buffer, and use variance for an automobile sales and service agency in the Overlay Zone.

Northwest corner of Leber Road and NYS Route 303

Reason for Referral:

NYS Route 303, Leber Road (CR 36), N. Greenbush Road (CR 11), Blauvelt State Park

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***

1 A visit to the site confirmed the overutilization of the site. Currently vans are being sold at the site, while also repairs on vans and trucks are taking place. In addition, there are many vehicles being stored on the site that are in inoperable condition. Work on the vehicles occurred in the middle of the drive area, as no other space was available to park the vehicle. Staff visiting the site witnessed a van first parked within the shoulder of NYS Route 303, which then pulled out into the roadway so that it could back into a parking space. Several vehicles were seen parked on the existing sidewalk, making accessibility of the pedestrian feature unusable, and others were parked within the driveway easement, that is located on the adjacent site. In addition, a fork lift was seen driving the wrong way in the shoulder of NYS Route 303, going from one portion of the site to another, as driving within the site is impossible. The overutilization of the site, with vehicles literally being parked over the property line is creating extremely unsafe conditions along the State highway. The documents submitted with this application do not indicate what will be done with the vehicles that are currently stored/parked on site. Reducing the number of vehicles parked on the site on paper does not rectify the existing overcrowded conditions.

The number of uses on the site must be reduced. A repair shop or a van dealership alone would occupy the site

DAVIDSON PARKING SITE PLAN (O-907A)

to its fullest extent. Permitting a garage, office and apartment uses, some of which have been indicated to not having a Certificate of Occupancy will not alleviate the dangerous situation at the site. Though an improvement over what currently exists, even as designed, the parking plan provides no buffers or screening, locates parking spaces into the State right-of-way, provides no landscaping as required for the Route 303 Overlay Zone, exceeds the number of parking spaces permitted in the front yard, and locates many features (refuse container, parking, signage, canopy) in the required vegetative buffer. The number of uses and parking spaces must be reduced so that the parking layout complies with the Town's zoning ordinance requirements and provides a safe design.

2 As indicated above, the proposed parking layout occupies every part of the site, leaving no room for yard requirements, vegetative buffer, or screening; all indicators that this is an over-utilization of the site. The two easternmost parking spaces encroach within the State right-of-way, and access to these spaces can only be done by backing vehicles into the State highway. The number of parking spaces must be reduced so that all parking can be located complete on site, and does not encroach into the State highway right-of-way.

3 A parking calculation must be provided to indicate how many spaces are required for the uses. The need for 62 spaces seems high.

4 The site visit highlighted that many vehicles are currently being parked/stored outside of the property line. Vehicles encroach into the county highway to the north, the state highway to the south, and the adjacent car dealership to the east. All vehicles, macadam, and any other encroachments must be removed from outside of the property line, and contained on site. These areas must be restored back to their natural condition as well, including landscaped, seeded, etc.

5 As mentioned above, documentation must be provided as to how many vehicles will be removed from the site, and where they will instead be located. Until the applicant provides this additional information, the layout as shown will not rectify the unsafe conditions.

6 It must be demonstrated how all of these vehicles will be able to be parked without encroaching into the adjacent parcel or backing into the State highway. No internal circulation is provided so all vehicles will be constrained when either leaving a parking space or entering in one. Maneuverability on the site must be demonstrated. Turning movements must be shown to prove that all parking spaces are useable as drawn.

In addition to the reasons cited above for our disapproval, below are conditions/comments that address other concerns.

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

8 A review must be completed by the County of Rockland Department of Highways, all comments or concerns addressed, and all required permits obtained.

9 A review must be completed by the Palisades Interstate Park Commission and any raised comments or concerns addressed.

10 All vehicles must be kept out of the temporary and permanent sewer easements that run through the site.

11 The minimum size of a standard parking space should be nine feet wide by eighteen feet long. All parking spaces provided are only 8' wide. The parking spaces must be increased in size, especially since many of them are for vans and trucks.

12 If the residential and office uses are to remain, specific designated parking spaces must be provided that are accessible to the residents and office staff.

13 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

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Acting Commissioner of Planning

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

Sparaco & Youngblood, PLLC
Donald Brenner

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.

