

**DEPARTMENT OF PLANNING**

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

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

August 7, 2019

Orangetown Zoning Board of Appeals  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 70.14-4-10

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 6/19/2019

**Date Review Received:** 7/25/2019

**Item:** ***GREATER HUDSON BANK (O-2361B)***

Variances to permit the reconfiguration of a parking lot and landscaping at an existing bank located on 0.6225 acres in the CC zoning district. The variances needed for the reconfiguration include: less than required vegetative buffer along the Route 303 right-of-way; greater than permitted parking in the front yard; and insufficient sign setback.

Northwest corner of Erie Street and NYS Route 303

**Reason for Referral:**

NYS Route 303, South 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:

***\*Disapprove***

We are disapproving the variance for sign setback. The Town's zoning standards are reasonable and should be followed. The granting of this variance can set a precedent and encourage other commercial uses along NYS Route 303 to request similar exemptions. The proposed sign is 20 feet closer to the road than allowed. Allowing a sign this close to the road, especially within the Route 303 Overlay Zone, can have an adverse effect on the safe and efficient flow of traffic along the State highway, cause a distraction, and be unsightly.

The additional variances being sought are approved under the following conditions:

## GREATER HUDSON BANK (O-2361B)

- 1 The Town of Orangetown did extensive research over a two-year period to create the Route 303 Overlay Zoning District, working with county, state and federal agencies, as well as the public, to ensure that the resulting zoning requirements would provide strategies to improve the roadway's operation, aesthetics, and safety aspects. The vegetated buffer and parking variances will result in less stringent requirements, thereby intensifying the uses along the NYS Route 303 corridor. Safety aspects are of paramount importance, as this was one of the underlying reasons for the study. In addition, several other goals of the Route 303 Overlay Zone were to protect, preserve and improve neighborhood commercial areas, discourage unattractive retail strip development, and promote parking in the rear yard. These goals are achieved by requiring many requirements, including a 25-foot vegetated buffer along the property line adjacent to the Route 303 right-of-way, connections between abutting parking lots, shared driveway and internal circulations to minimize turning movements onto Route 303, and providing a traffic impact study and access management plan. The Zoning Board must ascertain that the variances will result in meeting the intent and scope of the Route 303 Sustainable Development Study.
- 2 While the site plan does include the addition of some landscaping, it is also adding parking in a location where vehicle headlights will glare into the State right-of-way. This creates a greater need to provide ample landscape.
- 3 Can parking be located over the easement? If so, spots can be added there in order to move some parking back from the front yard and more landscaping can be added.
- 4 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 5 An updated review must be completed by the Rockland County Department of Health. In addition, as indicated in their letter of June 5, 2019, if changes are to be made to the existing stormwater management system, an application must be made to them to ensure compliance with the County Mosquito Code.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
New York State Department of Transportation  
Rockland County Department of Health  
Rockland County Department of Highways  
Atzl, Nasher & Zigler P.C.

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.*