

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 5, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 65.18-1-7

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

Map Date: 3/4/2019

Date Review Received: 3/8/2019

Item: *LIA TOYOTA - PARKING EXPANSION (O-1331W)*

Site plan to permit a parking lot expansion for an existing automobile dealership located on 6.44 acres in the LI and LIO zoning districts and Route 303 Overlay Zone.

West side of NYS Route 303, south side of Al Foxie Way, north side of Corporate Drive

Reason for Referral:

NYS Route 303

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 It still has not been clarified why such a large vehicle display area is needed for the car dealership. Two-tiered parking areas along the site's frontage will only provide visibility to the front row of vehicles. Site parking is proposed behind this two-tiered parking, so visibility again is not prime. To better meet the requirements of the Route 303 Overlay Zoning District, the number of proposed parking spaces must be reduced to just one row. Even then, many of the requirements of the Overlay Zone are not being met.

The Town must be assured that all requirements of the Route 303 Overlay Zoning District, as specified in Section 13.10 of the Town's Zoning Ordinance. Specifically the Planning Board must verify that the proposed parking lot expansions are in compliance with Sections 13.10B.(1) screening, (2) 25-foot vegetative buffer, (6) new and used automotive car dealerships, and (10) parking within the front yard of the Zoning Ordinance. If not, then variances must be sought.

2 As indicated in the September 12, 2018 letter from the New York State Department of Transportation (NYSDOT), a highway work permit is required to assure that the improvements meet the NYSDOT policy and standards.

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- 3 As indicated in the August 24, 2018 letter from the Rockland County Department of Health, an application is to be made to them for the stormwater management system to ensure compliance with the County Mosquito Code.
- 4 A landscaping plan shall be provided that meets the requirements of Section 13.10B.(2). This landscaping will also ensure that no headlights of parked vehicles will shine into the State highway.
- 5 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.
- 6 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 7 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 8 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
New York State Department of Transportation
Rockland County Department of Health
Sparaco & Youngblood, PLLC

**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.