



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 17, 2019

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

Tax Data: 74.15-1-3

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

Map Date: 3/19/2019

Date Review Received: 3/26/2019

Item: *LOWE'S (O-1212AA)*

Variances to permit outdoor storage where all storage must be within completely enclosed buildings, and a reduction in the number of parking spaces from 655 to 557 for an existing commercial building located on 12.03 acres in the LI zoning district.

West side of NYS Route 303, east side of Greenbush Road, north side of Stevens Way

Reason for Referral:

NYS Route 303, Western Highway, RC Sewer District No. 1 facility, 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 Note 3 in Column 7 of the Table of General Use Regulations (Section 3.11 for the LI District) requires that "All open storage yards shall be screened from adjacent lots and from the street line." Several of the outdoor trailer and storage trailers will be visible from the adjacent lot. The existing screening must be illustrated on the site plan, and any needed screening supplemented so as to comply with this Use Regulation.
- 2 The proposed storage areas are scattered around the entire periphery of the site. Sale display areas are located along most of the frontage, acting as additional advertising for the retail establishment. The Town must be cautious in permitting these display areas, as other retail businesses may request similar exemptions so as to have higher visibility and to promote their sale items. Given the extent of the display areas, both for seasonal sales and for product displays, the number of storage areas and displays seems excessive. The number of display and storage areas must be reduced.
- 3 The location of the storage bins and storage trailers are scattered around the periphery of the parking area in the northwestern portion of the site. Parking spaces are located intermittently amongst these storage areas. Conflicts between the vehicles and the storage areas could occur. The storage trailers and bins should be relocated so that they are together, and not scattered amongst parking spaces.

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4 The applicant is proposing to further reduce the number of parking spaces by almost 15 percent (by 98 spaces) so as to install the display areas, sheds, storage and trailers. This is a significant reduction for the overall site plan. The Town of Orangetown must monitor the site to ensure that adequate parking is provided for the retail use. If, in the future, it is deemed to be insufficient, the outside storage areas, trailers, etc. must be removed and the parking re-installed.



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
Rockland County Sewer District #1

Maser Consulting P.A.

**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.