

**DEPARTMENT OF PLANNING**

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

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

March 12, 2019

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 74.15-1-3

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

**Map Date:** 12/14/2018

**Date Review Received:** 2/6/2019

**Item:** **LOWE'S OF ORANGEBURG (O-1212Z)**

Site plan to resolve violations issued July 11, 2018 for an existing retail establishment located in the LI zoning district on 12.03 acres. The site plan revisions include delineating areas for outdoor sales, product storage, trailer storage, and fire lane designations.

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 The Town must determine if the proposed storage is permitted for the existing use in the LI zoning district. Note 5 in Column 7 of the Additional Use Regulations require that "The following uses and all storage of goods accessory to such uses shall be within completely enclosed buildings: retail and wholesale sales and service establishments..." If this is not a permitted use, then a use variance may be required to permit the outdoor storage.
- 2 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. Screening must be installed to comply with this Use Regulation.
- 3 The site plan shall include a vicinity map with a north arrow and scale, map notes that include district information, zoning designation, and acreage, and a bulk table with the required bulk standards for both existing and proposed listed. In particular, the number of required, existing, and proposed parking spaces must be provided since the parking layout is being revised.

**LOWE'S OF ORANGEBURG (O-1212Z)**

- 4 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.
- 5 The proposed fire lane location along the northern portion of the site has parking spaces straddling each side of the lane. Access to the building will be impeded if vehicles are parked in the area south of the designated fire lane. The parking area and/or the fire lane must be relocated so that access to the building is unimpeded.
- 6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Orangeburg Fire Department to ensure that the locations of the fire lanes are satisfactory, and that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 7 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.
- 8 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.
- 9 The comments in the February 14, 2019 letter from the Rockland County Highway Department must be addressed.
- 10 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and any required permits obtained.
- 11 A review must be completed by the County of Rockland Drainage Agency and any comments addressed and permits obtained.

  
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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  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
  
Maser Consulting P.A.  
Orangeburg Fire Department

*\*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.*

**LOWE'S OF ORANGEBURG (O-1212Z)**

*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.*

