



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 5, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.11-2-48

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

Map Date: 1/24/2019

Date Review Received: 7/19/2019

Item: *ORANGETOWN QUICK STOP SITE PLAN (O-2381)*

Site plan to renovate an existing vacant commercial space to a convenience store located on 0.11 acres in the CC zoning district.

Southeast corner of NYS Route 303 and NYS Route 340, approximately 900 feet south of Kings Highway

Reason for Referral:

NYS Route 303, NYS Route 340, Sparkill Creek, Rockland County Sewer District No. 1 facility

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 We are very concerned with the layout of the proposed parking and whether sufficient parking is able to be provided. The spots are very difficult to get into and out of, and access to space #1 cannot be achieved without going onto the adjacent parcel, or backing out directly into NYS Route 303 right-of-way. Is employee parking part of the parking calculation, or are these four parking spaces to provide for the employee parking needs as well? The handicapped parking space does not meet the design criteria for this type of space, as no access aisle is provided. A handicapped space must have a five-foot access aisle.

In addition, if it is found that inadequate parking is being provided, any overflow parking would be located in the State right-of-way. Aerial photography from 2000 to 2016 shows vehicles parking perpendicular to the State highway, with two-thirds of the vehicles parked within the State right-of-way, and the need for vehicles to back out into the State highway. This is an unacceptable scenario.

Since NYS Route 303 is a very busy road and safety concerns are of great concern, it is imperative that adequate parking be provided for a convenience store. The Town must monitor the site to ensure that adequate parking for the proposed use is provided, and that vehicles will not have to back out into the State highway.

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- 2 A bulk table listing development coverage, setbacks, floor area ratio, and other required measurements must be provided. This information is critical in assessing the proposed use to the past uses that occupied. Without this information, it is impossible to evaluate the needs of the convenience store with the previous needs of the former building occupants, especially in relation to parking requirements.
- 3 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 4 A review must be completed by the County of Rockland Drainage Agency, and all required permits obtained.
- 5 The floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
- 6 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.
- 7 A review must be completed by the County of Rockland Department of Health and any required permits obtained.
- 8 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers. This is especially critical given the limited supply of parking provided.
- 9 The Short Environmental Assessment Form should be completed using the EAF Mapper Application provided by the New York State Department of Environmental Conservation to ensure all fields are filled out accurately and all aspects are taken into consideration.
- 10 The applicant must comply with all applicable portions of the Route 303 Overlay Zone, to the extent possible.
- 11 Map notes that contain district and other pertinent information must be provided. A vicinity map with a north arrow and scale must also be provided.
- 12 Currently, dumpster access requires trucks to back out into the State right-of-way. The location of the dumpster must be changed to allow safe access to and from it.
- 13 A landscaping plan shall be provided which has low evergreen landscaping supplementing the area along the State highway to block the headlights of parked cars from shining into such highway.
- 14 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
New York State Department of Transportation

Andrew Fethes Architects

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**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.

