



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 16, 2019

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

Tax Data: 68.16-1-13

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

Map Date: 4/9/2019

Date Review Received: 7/11/2019

Item: *PRESTIGE AUTO (O-345C)*

Special permit to allow a body repair shop, with no paint booth, on a 2.4-acre site located in the CC zoning district.

South side of West Washington Avenue, north side of West Central Avenue, 50 feet west of North Main Street

Reason for Referral:

West Central Avenue (CR 30), West Washington Avenue (CR 30), NYS Route 304, Muddy River

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***

1 Special permit uses are, by definition, subject to a higher standard of review than as-of-right uses. In addition to complying with the bulk requirements of the zone in which they are proposed, they must meet the general and individual special permit standards outlined in the Town of Orangetown code Chapter 43, Section 4.31(6). A detailed description of the size and location of the lot and design and location of the proposed facilities must be included.

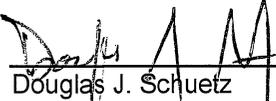
2 A bulk table listing each use, the parking requirement for each use, setbacks, floor area ratio, and other required measurements must be provided. This information is critical in assessing the proposed use to the existing uses currently on the parcel. Without this information, it is impossible to evaluate the body shop needs with the other uses on site.

3 No complete site plan map was provided with the application packet, resulting in an incomplete application. While a Location Map that delineated which building would be used for the body shop, no scale or north arrow was provided. In addition, a detailed parking plan must be provided to ensure there is adequate parking available for the proposed use and the entire site.

PRESTIGE AUTO (O-345C)

4 In a previous review by our department on July 3, 2019, we noted a narrative needed to be provided with the application. Since then, an incomplete narrative was provided. While operating hours and number of new employees was provided, no information was given as to how the vehicles will arrive to the site, the number of vehicles expected to be on the site at any given time, traffic circulation, the process involved since no painting booth is proposed, and the expected total number of employees. This minimal information is essential in determining the impact of the use to the rest of the site, and until it is provided, a thorough evaluation cannot be determined.

5 The "2019 Land Use Board Application" still has the "Project Name" to be "Prestige Auto - Use Variance". This should be updated to reflect the change to the application for the special permit use before the ZBA.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Highways
Rockland County Drainage Agency
New York State Department of Transportation

Eric Knute Osborn, Architect
Donald Brenner

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.