



**COUNTY OF ROCKLAND**  
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

December 4, 2013

ARLENE R. MILLER  
Deputy Commissioner

Clarkstown Zoning Board of Appeals  
10 Maple Avenue  
New City, NY 10956

**Tax Data:** 58.18-1-25

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

**Map Date:** 8/19/2013

**Date Review Received:** 11/18/2013

**Item:** *BENEDICT RIVERSIDE CORP (D/B/A CLASSIC AUTO BODY) (C-3360B)*

Variances for side yard, total side yard, rear yard, rear buffer, side yard buffers, parking in the required front yard, and distance between the building and the parking area, to allow construction of 1,860 sq. ft. additions to an existing one-story 4,163 sq. ft. retail building on .44 acres in the LIO zoning district. North side of West Nyack Road, approximately 265 feet west of NYS Route 304

**Reason for Referral:**

NYS Route 304

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 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2 Map note #6 must be corrected to reflect that this proposal is not in conflict with Section 239m of the New York State General Municipal Law, as Section 239k no longer exists.
- 3 A bulk table must be provided that lists the required bulk standards, the existing dimensions, and the proposed bulk measurements. In addition, a parking table must be provided that shows the calculations for the required number of parking spaces.

Thomas B. Vanderbeek, P.E.  
Commissioner of Planning

cc: Supervisor Alex Gromack, Clarkstown  
New York State Department of Transportation

**BENEDICT RIVERSIDE CORP (D/B/A CLASSIC AUTO BODY) (C-3360B)**

Rockland County Department of Health  
Anthony R. Celentano P.E.

Clarkstown Planning Board, Attention Joe Simoes

*\*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.*