



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

November 27, 2013

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 44.08-1-21

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

Map Date: 7/29/2013

Date Review Received: 11/14/2013

Item: *ALPHONSO BROWN (C-3531A)*

Variances to allow a funeral parlor as a special permit use in the RS zoning district on .86 acres, with less than the required lot size, lot width, and greater than permitted maximum development coverage. West side of US Route 9W, approximately 385 feet south of Foltim Way

Reason for Referral:

US Route 9W, Hook Mountain State Park

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 An updated review shall be completed by the New York State Department of Transportation and all required permits obtained. In addition, the conditions contained in the August 26, 2013 letter must be met.
- 2 A bulk table must be added to the site plan, showing the required and existing standards for the proposed use. This bulk table must also include parking calculations that demonstrate that adequate parking is being provided on site, especially since the site is located on a State highway. This calculation must provide the proposed square footage for the two chapel areas, plus provide the number of employees that will be employed by the funeral home.

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

cc: Supervisor Alex Gromack, Clarkstown
New York State Department of Transportation
Palisades Interstate Park Commission

ALPHONSO BROWN (C-3531A)

William D. Youngblood Land Surveying, P.C.

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.