



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

November 21, 2013

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 44.16-1-50 44.16-1-49 44.16-1-48 44.16-1-46 44.16-1-47

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

Map Date: 8/7/2013

Date Review Received: 11/1/2013

Item: PAUL COLETT (COLETT ENTERPRISES LTD.) (C-302C)

Variances for expansion of a non-conforming use (increasing height) and front yard setback to permit construction of a 106 sq. ft. walk-in box for an existing commercial building located in the CS zoning district on a .06-acre parcel. This parcel is part of a conglomeration of five parcels, which total .71 acres, and contain a restaurant, deli and dwelling, as well as the subject building.

Northwest side of Lake Road and NYS Route 303, south side of Crescent Street (Hemenway Avenue)

Reason for Referral:

Lake Road (CR 80), NYS Route 303

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 site visit showed that there was an existing roofing business currently in the subject building, with related parking of about four vehicles. In addition, there is a restaurant, delicatessen, and dwelling also located on the associated parcels. In several sections on the application, it is mentioned that this new structure will be used not only as a walk-in refrigerator, but also as a roadside ice cream stand with service windows. It is not clear from the application if the roofing business is to remain, or if this is a new use being proposed. If both uses are to remain, then the applicant must provide a breakdown of parking requirements for all existing and proposed uses to ensure that adequate parking is provided. The future use of the roofing business must be clarified.

2 A review must be completed by the County of Rockland Department of Highways and any concerns addressed. All required permits must be obtained.

PAUL COLETT (COLETT ENTERPRISES LTD.) (C-302C)

3 Since many of the parking spaces are located within the NYS Route 303 right-of-way, a review shall be completed by the New York State Department of Transportation and any concerns addressed and required permits obtained.

4 A bulk table must be added to the survey map, and list the required, existing, and proposed dimensions. The bulk table must also show a parking calculation for the site.



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

cc: Supervisor Alex Gromack, Clarkstown
New York State Department of Transportation
Rockland County Department of Highways
Robert R. Rahnefeld

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.