



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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THOMAS B. VANDERBEEK, P.E.
Commissioner

C. SCOTT VANDERHOEF
County Executive

July 15, 2013

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

ARLENE R. MILLER
Deputy Commissioner

Tax Data: 59.18-1-25 59.18-1-24 59.18-1-23

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

Map Date: 5/31/2013

Date Review Received: 6/27/2013

Item: *PALISADES PLAZA (C-3410B)*

Variances to permit the construction of four retail stores and a restaurant totaling 13,900 sq. ft. on three parcels that together encompass 2.36 acres in the RS zoning district, with less than the required side yard, residential buffer, and side yard buffer.

East side of NYS Route 303, south side of the NYS Thruway, west side of the northern end of N. Greenbush Road

Reason for Referral:

NYS Route 303, NYS Thruway, Mountainview-Nature 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 A review shall be completed by the New York State Thruway Authority and any required permits obtained.
- 2 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

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

cc: Supervisor Alex Gromack, Clarkstown
New York State Department of Transportation
New York State Thruway Authority
Rockland County Division of Environmental Resources

PALISADES PLAZA (C-3410B)

Atzl, Scatassa & Zigler 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.