



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

December 11, 2014

ARLENE R. MILLER
Deputy Commissioner

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 58.17-1-42 58.17-1-41

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

Map Date: 11/7/2014

Date Review Received: 11/17/2014

Item: *DEALPOINT MERRILL, LLC (C-190.5A)*

Site plan for the proposed renovation of an existing building to be used as a mini-warehouse on 2.37 acres in the RS zoning district. A total of 80,200 sq. ft. is proposed for the new use, an increase of 13,750 sq. ft. of mezzanine area.

East side of N. Middletown Road, approximately 335 feet north of NYS Route 59

Reason for Referral:

N. Middletown Road (CR 33), NYS Route 59, Nauraushaun Brook

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 Before final site plan approval can be obtained, the special permit application must be referred to the Town Board for their review and approval. This will ensure that the site plan process is approving an allowable use.
- 2 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 3 The comments in the November 21, 2014 letter from the County of Rockland Drainage Agency must be addressed. All required permits obtained.
- 4 The comments in the October 17, 2014 letter from the County of Rockland Sewer District #1 must be met.
- 5 As indicated in the November 24, 2014 letter from the Rockland County Department of Health, an application must be made to them to ensure compliance with the County's Mosquito Code.

DEALPOINT MERRILL, LLC (C-190.5A)

6 The narrative submitted with the application, dated October 15, 2014, must be updated to reflect that a variance is also required for a special permit buffer.

7 Since N. Middletown Road is a County highway with high traffic volumes, multiple access points into the site can cause traffic delays and conflict points. As a way to implement arterial management to the site, the number of access points should be reduced, so that there are only two ingresses/egresses serving the site. The applicant should contact the Rockland County Department of Highways to determine which access location would be best to be closed.

8 The site plan shows that two signs will be removed. Are these signs intended to be relocated elsewhere on the site? If so, the location as to where the signs will be placed must be provided. In addition, the signs must conform with all standards of the Town of Clarkstown zoning ordinance.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Alex Gromack, Clarkstown
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of Transportation
Atzl, Nasher & Zigler P.C.

**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.