



**COUNTY OF ROCKLAND**  
DEPARTMENT OF PLANNING

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

January 30, 2015

ARLENE R. MILLER  
Deputy Commissioner

Clarkstown Town 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:** 12/30/2014

**Item:** *DPM NANUET SELF STORAGE, LLC (C-190.5B)*

Special permit to allow a mini-storage facility on 2.37 acres in the RS zoning district.  
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:

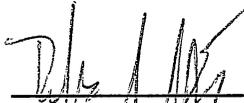
***\*Recommend the following modifications***

- 1 The special permit use must comply with all requirements of Section 290-17(S) for mini-warehouse uses.
- 2 The comments in the December 12, 2014 letter from the Rockland County Sewer District #1 must be addressed.
- 3 As indicated in the December 17, 2014 letter from the Rockland County Department of Highways, a work permit is required for the proposed project, prior to any construction on site.
- 4 The comments in the November 21, 2014 letter from the Rockland County Drainage Agency must be addressed. All required permits must be obtained.
- 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.

**DPM NANUET SELF STORAGE, LLC (C-190.5B)**

6 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 ingress/egress serving the site. The applicant should contact the Rockland County Department of Highways to determine which access location would be best to be closed.

7 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

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

Attention Pat McDonald, Town Attorney's Office  
Justin Sweet, Town Clerk  
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.*