COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
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March 16, 2015

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

Tax Data: 64.05-2-24

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

Map Date: 1/26/2015 **Date Review Received:** 2/17/2015

Item: ***JER NANUET LLC (C-3552)***

Variance for less than the required number of parking spaces to permit the leasing of approximately 2,600 sq. ft. of office space for an emergency veterinary hospital for a parcel located on .52 acres in the RS zoning district. The proposed new use would generally have business hours that complement the bank business hours, in that the veterinary hospital would be open from 6:00 PM to 8:00 AM, Monday through Friday, and 24 hours on the weekend.

South side of NYS Route 59, north side of First Street, approximately 520 feet east of College Avenue

Reason for Referral:

NYS Route 59

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 site plan illustrates a parking lot of 17 parking spaces within the abandoned Avenue "D" area, located in the eastern portion of the site. Our research of this property indicates that this parcel has all right, title and interest of, in and to any adjoining lands (including without limitation, any lands lying in the bed of an unmapped street known as Avenue "D"). To avoid confusion in the future, reference to the deed must be provided on the site plan or a copy of the deed provided with the application showing that this parcel has rights to this land area.

JER NANUET LLC (C-3552)

2 There are three parking spaces in the southeastern portion of the site, within the Avenue "D" area that are not contained wholly within the parcel's boundary. The extent of the required parking variance may be understated since these three parking spaces cannot be included in the number of parking spaces provided since they are not contained wholly within the tax parcel. In addition, the site plan and application material state that 32 regular parking spaces and 2 handicapped parking spaces are provided, for a total of 34 parking spaces. It is not clear if the southwestern area on the site is a parking space, and included as the 34th space. This must be clarified. If this is not a space, then only 33 parking spaces are illustrated, and the extent of the parking variance is further increased.

3 Inadequate parking for a parcel located directly on a State highway can impede the safe and efficient flow of traffic and create unsafe access conditions, multiple movements to and from the roadway, and result in the need for parking within the State right-of-way. The applicant has provided information indicating that the proposed use would be in operation only during the hours that the bank is closed (except on Saturday mornings), thereby allowing the two uses to share parking needs.

To ensure that the Saturday parking needs are being met, the Town must monitor the site's parking usage to ensure that adequate parking is being provided, and that the vehicles are not parking within the State right-of-way. If it is found that additional parking is needed, then the applicant must provide alternate offsite parking arrangements with an adjacent or nearby user to correct this problem.

4 The site plan must contain a bulk table for the site, listing both the required bulk standards and the existing/proposed measurements. This table should also include the parking standard and a calculation demonstrating the parking requirement.

5 The comments in the February 24, 2015 letter from the Rockland county Sewer District No. 1 must be met.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Alex Gromack, Clarkstown

New York State Department of Transportation

David Bessler, Owner
Richard H. Gladstone

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.