COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

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Deputy Commissioner

October 14, 2015

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 43.11-2-35

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

Map Date: 8/19/2015 **Date Review Received:** 9/22/2015

Item: ***NEW CITY GARDENS (C-3496D)***

Site plan for the proposed modification of two parking areas, and addition of a new parking lane and a stormwater management basin, for an existing multi-family complex on 10.13 acres in the MF-3 zoning district.

South side of Cavalry Drive, east side of North Main Street, west side of NYS Route 304

Reason for Referral:

North Main Street (CR 29), NYS Route 304, Demarest Kill

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 August 10, 2015 letter from the Rockland County Drainage Agency indicates that unauthorized construction activities have taken place at the site. All required permits must be obtained from them prior to any construction on site. In addition, any other outstanding issues discussed in their letters dated July 21, 2014 and August 10, 2015 must be met.

2 An updated review must be completed by the Rockland County Department of Highways, and all required permits obtained.

3 As indicated in the September 23, 2015 letter from the Rockland County Department of Health, an application must be made to them for review of the Stormwater Management System to ensure compliance with the County Mosquito Code.

4 An updated review shall be completed by the New York State Department of Transportation and all required permits obtained.

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5 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

6 There shall be no net increase in the peak rate of discharge from the site at all design points.

7 The Lighting Plan only shows lighting lumen measurements to the edge of the pavement for the new parking area and drive. The lighting measurements must be provided to the edge of the property where it abuts up to North Main Street. No lighting or glare shall shine into the County highway right-of-way.

8 The Lighting Plan contains a map note indicating that there is a permanent easement to New York State for slopes. Is this notation correct since the adjacent roadway is not a state road, but rather a county highway? This must be clarified and corrected if the easement is meant to be given to the county.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Alex Gromack, Clarkstown
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Drainage Agency
New York State Department of Transportation
Brooker Engineering, PLLC

**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.