

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 1, 2016

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

Tax Data: 44.08-1-26

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/20/2016

Date Review Received: 8/16/2016

Item: **9W AUTOBODY (C-3052D)**

Variance to permit the expansion of a non-conforming use, for the proposed demolition of 620 sq. ft. from an existing 2,670 sq. ft. building, and construction of a 2,950 sq. ft. addition on .83 acres located in the COS zoning district.

West side of US Route 9W, approximately 1,265 feet north of Lakewood Drive

Reason for Referral:

US Route 9W, Rockland Lake/Hook Mountain State Parks

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 An updated review must be completed by the County of Rockland Sewer District #1, and all required permits obtained.
- 2 An updated review shall be done by the New York State Department of Transportation, and all required permits obtained.
- 3 An updated review must be completed by the Rockland County Department of Health, and all required permits obtained.

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4 Though the applicant is proposing more parking spaces than required, we are concerned that the 2,950 sq. ft. addition will generate more parking needs. Our most recent aerial photography, flown in 2013, shows that over 50 vehicles are being parked on site. Intensifying the use may result in even more vehicles being worked on, and thereby increase the parking needs. Aerial photography, dated between 2013 and 2000 continually illustrates that vehicles are being parked within the State right-of-way, oftentimes only a few feet from the edge of the pavement. This creates a dangerous situation and cannot continue to occur in the future. The aerial photography also shows that over the years, the existing uses have further encroached into the land area of the parcel to the south, tax lot 44.08-1-27. All parking must be contained on site, and must be kept out of the State right-of-way. If the site cannot accommodate all of the parking needs, then an off-site parking location must be arranged, and a written agreement provided.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Palisades Interstate Park Commission

Maser Consulting P.A.

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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.