



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

March 1, 2016

ARLENE R. MILLER  
Deputy Commissioner

Clarkstown Planning Board  
10 Maple Avenue  
New City, NY 10956

**Tax Data:** 43.15-1-17

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

**Map Date:** 1/26/2016

**Date Review Received:** 1/29/2016

**Item:** *SUNOCO, LLC (C-1031C)*

Site plan for the proposed construction of a 1,487.5 sq. ft. detached canopy over the existing gas dispensers on a site that consists of four gas dispensers and a 1,435 sq. ft. APLUS Sunoco building. Other site improvements are also proposed, including the installation of new landscaping, LED lighting fixtures, ADA accessible ramp and parking area, new dumpster enclosure, and new fueling dispensers; and removal of the non-conforming freestanding sign, replacing it with a monument sign. The property is located on .558 acres in the H-4 zoning district.

East side of North Main Street, approximately 200 feet north of Spruce Drive

**Reason for Referral:**

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

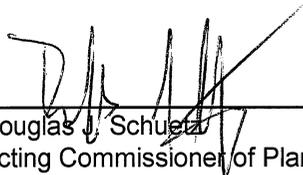
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

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

- 1 A review must be completed by the County of Rockland Department of Highways, all comments or concerns addressed, and all required permits obtained.
- 2 The comments in the July 27, 2015, December 30, 2015, and February 1, 2016 letters from the Rockland County Department of Health must be met.
- 3 The comments in the August 5, 2015 and February 19, 2016 letters from the Rockland County Sewer District #1 must be met.
- 4 All proposed signage, including the new monument and canopy signs, must comply with all requirements of the Town of Clarkstown signage regulations.

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- 5 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the county road.
- 6 The area between the property line and the 1998 highway boundary should be gratuitously dedicated to the Rockland County Department of Highways.
- 7 It is not clear if the access points are one-way; however based on the angled parking it appears that they are planned as such, and appropriate signage must be provided. The circulation path must be indicated on the site plan.
- 8 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Drainage Agency  
New York State Department of Transportation  
Bohler Engineering

*\*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.*