



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 26, 2016

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 35.19-2-7

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/26/2016

Date Review Received: 8/29/2016

Item: *TRI-STATE GUNITE (C-1225A)*

Site plan for the proposed construction of a 5,000 square foot warehouse and office facility with a portable cement silo and outdoor sand storage area located on 2.66 acres in the COS zoning district.

West side of NYS Route 303, east side of Old Orchard Lane, approximately 500 feet south of the intersection with Leif Boulevard and US Route 9W

Reason for Referral:

NYS Route 303, US Route 9W, Hook Mountain State Park

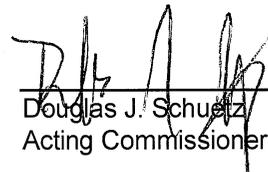
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and all required permits obtained.
- 2 The comments in the August 30, 2016 letter from the Rockland County Department of Health must be met.
- 3 The comments in the September 15, 2016 letter from the Rockland County Sewer District #1 must be met.
- 4 The narrative states that there will be a total of fifteen workers for the company. In addition, ten trucks and one front end loader will be stored on the site. Only ten parking spaces are proposed for the parking of fifteen employees and the trucks. Where will the other five employees park, and where will the equipment be stored? This must be explained, and clearly delineated on the site plan.

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- 5 The proposed monument sign must conform to the Town of Clarkstown's sign standards, especially with regard to any required setback.
- 6 The proposed height of the retaining walls range from six feet to 14 feet along the western portion of the site. To help reduce the visual impact of the wall, the wall should be tiered, and landscaped.
- 7 Additional evergreen landscaping should be provided along the western portion of the site to help reduce visual and audible impacts from the proposed commercial use. In addition, evergreen trees can help to reduce the potential for any dust from the operation that might occur from impacting the residents to the west.
- 8 The fields of illumination from onsite lighting must be contained wholly on site, and shall not shine into the State right-of-way.
- 9 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Clarkstown Fire Inspector, or the Congers Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 10 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.
- 11 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 12 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Congers Fire Department

Maser Consulting P.A.

**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.

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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.

