

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

May 25, 2016

Clarkstown Planning Board  
10 Maple Avenue  
New City, NY 10956

**Tax Data:** 35.20-1-5

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 4/1/2016

**Date Review Received:** 4/21/2016

**Item:** *UNITED STRUCTURAL WORKS (C-3059D)*

Site plan for the proposed construction of a separate, free-standing, 38,160 sq. ft. storage and operations building, plus 21 additional parking spaces on a site that contains a 40,208 sq. ft. building and 58 existing parking spaces. The property is located in the CO zoning district on 6.3 acres.

North side of Hemlock Drive, west side of US Route 9W, approximately 1,100 feet east of NYS Route 303

**Reason for Referral:**

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 and any required permits obtained.
- 2 The comments in the May 16, 2016 letter from the Rockland County Sewer District #1 must be met.
- 3 The comments in the April 26, 2016 letter from the Rockland County Department of Health must be met.
- 4 A review must be completed by the Palisades Interstate Park Commission and any raised comments or concerns addressed.

## **UNITED STRUCTURAL WORKS (C-3059D)**

- 5 The applicant lists that 97 parking spaces are required, and that 79 spaces are provided. The number of parking spaces provided is actually 82. This number must be corrected on the site plan, narrative, and any other documentation.
- 6 Aerial photography taken in 2013 depicts vehicles parked along Hemlock Drive and storage of trailers within and along the cul-de-sac. It is not clear for which facility the vehicles parked along Hemlock Drive are associated with, or why they are parked along the roadway. If the vehicles are related to this site, are they parked along the roadway because there is insufficient parking currently at the site? The location of the trailers parked within the cul-de-sac is dangerous, and could prevent emergency vehicles from having the proper turning radius to maneuver during an emergency response. These parking issues must be clarified because if insufficient parking and storage already exists on the site, and an additional structure with less than the required parking is proposed, then these current conditions could continue or become even more exacerbated.
- 7 The conservation easement has been modified by the Town Board so that the proposed improvements to the site can be achieved. Conservation easements are used to protect, maintain, or improve natural, scenic, or open space features on a property, such as forested areas, lakes, scenic vistas, etc. Conservation easements should remain undisturbed, so that they can remain in their natural state. The grading plan for the proposed building illustrates regrading that will occur within the conservation easement, thereby impacting the vegetation, slope, and natural state of the land within the easement. The boundary of the conservation easement must be redrawn so as to avoid any encroachments into the area, or the building, wall, and needed regrading shifted so as to remain out of the easement area.
- 8 Since the site is proposed to be expanded, with a more intensive use, and since the residents nearby have complained about the noise, a noise study must be done to measure the intensity of noise, hours of operation, and decibel levels to determine if other limitations or noise abatement steps should be taken.
- 9 The lot coverage is close to the maximum permitted for the zoning district. Given the large size of the buildings on site, and the amount of pavement needed for truck movements, every effort should be made to minimize the increase in the lot coverage and the amount of stormwater coming from the site. This could be done by implementing green building techniques (pervious pavers, green roof, rain gardens, etc.) so as to reduce run-off and to construct a more environmentally-friendly building.
- 10 Areas dedicated for snow piles must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the landscaping, located at the ends of the parking areas, from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designating specific locations on the site for the snow piles, especially since less than the required number of parking spaces are being provided, will eliminate the loss of parking spaces meant for the employees.
- 11 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.
- 12 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 13 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

**UNITED STRUCTURAL WORKS (C-3059D)**

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
Palisades Interstate Park Commission  
New York State Department of Transportation  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Planning Board  
  
McLaren Engineering Group

*\*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.*

