

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 25, 2016

Clarkstown Zoning Board of Appeals
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: 5/11/2016

Item: *UNITED STRUCTURAL WORKS - CORMACH MURRIHY (C-3059E)*

Variances to permit the 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 located in the CO zoning district on 6.3 acres. Required variances include less than the required front yard and parking.

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.

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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.



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

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.