

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 31, 2017

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 43.19-2-71

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

Map Date: 3/30/2017

Date Review Received: 5/2/2017

Item: **AMGRACE REALTY, LLC. (C-3585)**

Site plan for the proposed conversion of the second floor of an existing 4,854 sq. ft. building from a professional office to two residential apartments. The property is located on .19 acres in the H4 zoning district. Several variances are required to implement the conversion.

Southeast corner of South Main Street and Demarest Avenue

Reason for Referral:

Dutch Garden, Zebrowski-Morahan Demarest Kill County Park, Demarest Kill, NYS Route 304, Congers Road (CR 80)

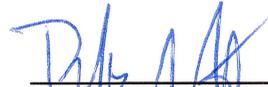
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 This is one of the first applications to be reviewed for a conversion of the second floor into apartments in the Hamlet Commercial District. The Town Planning Board must be assured that all requirements of Section 290-7.3 are met, particularly so as not to set precedent.
- 2 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 3 The Town Planning Board must determine if the handicap access area can be used as a turnaround area for parking space #1. If not, then a separate turnaround area must be provided so that the vehicles have a way to safely back out of the parking space.
- 4 A review must be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.
- 5 A review must be completed by the County of Rockland Sewer District #1.

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- 6 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- 7 A review must be completed by the Rockland County Drainage Agency, and any required permits obtained.
- 8 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
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
Rockland County Sewer District #1
New York State Department of Transportation
Rockland County Office of Fire and Emergency Services

Anthony R. Celentano P.E., P.L.S.
George Hodosh Associates-Architects, P.C.

**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.