

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 12, 2017

Clarkstown Zoning Board of Appeals
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: 8/10/2017

Date Review Received: 9/7/2017

Item: *AMGRACE REALTY (C-3585A)*

Variances to permit the conversion of the second floor offices into two apartments, for an existing commercial building located on .19 acres in the H-4 zoning district. Required variances include: less than the required parking spaces, and width of parking spaces; and greater than permitted number of dwelling units based on the minimum lot area.

Southeast corner of S. Main Street and Demarest Avenue

Reason for Referral:

Rockland County Government Complex, 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 Zoning Board of Appeals must be assured that any variances from the requirements of Section 290-7.3 will not undermine the intent of the New City Hamlet zoning district, thereby setting precedent for other similar uses to request similar exemptions.
- 2 The Town Zoning Board of Appeals 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.
- 3 The comments in the October 5, 2017 letter from the Rockland County Sewer District #1 must be met.

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4 In an email dated June 8, 2017, the Rockland County Division of Environmental Resources raised concerns about adequate parking for the site (copy enclosed). The Clarkstown Zoning Board of Appeals must monitor the sites to ensure that patrons and residents of this parcel do not use the parking lot across the street, associated with Dutch Garden, for permanent use.

5 The following additional comment is offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process.

5.1 The sidewalk area along Demarest Avenue, along the northeast portion of the building, is wider than needed, and could be reduced to allow for more greenspace. The Zoning Board should consider if the applicant should be required to do this to be in closer conformance to that bulk standard.

5.2 The plans submitted with the application do not contain either an engineer's stamp or signature. These features must be provided if required by the Town of Clarkstown Zoning Board of Appeals.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Division of Facilities Management
New York State Department of Transportation
Rockland County Department of Health
Rockland County Division of Environmental Resources
Rockland County Sewer District #1
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Rockland County Department of General Services,

George Hodosh Associates-Architects, P.C.

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.