Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 7, 2017

Clarkstown Zoning Board of Appeals
10 Maple Avenue
New City, NY 10956

Tax Data: 58.18-1-25

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/7/2016 **Date Review Received:** 1/19/2017

Item: ***BENEDICT RIVERSIDE CORP. - 128 W. NYACK ROAD (C-3360C)***

Variances for side yard, total side yard, rear yard, rear yard buffer, side yard buffer, parking in the required front yard, distance between the building and the parking area, and number of parking spaces to allow the construction of additions that total 1,860 sq. ft., to an existing one-story 4,163 sq. ft. retail building on .44 acres in the LIO zoning district.

North side of West Nyack Road, approximately 265 feet west of NYS Route 304

Reason for Referral:

NYS Route 304

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 any required permits obtained.

2 Map note #9 should be updated to reflect that "United Water" is now "Suez."

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Rockland County Department of Health

Anthony R. Celentano P.E.

BENEDICT RIVERSIDE CORP. - 128 W. NYACK ROAD (C-3360C)

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.