

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

August 16, 2017

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 35.14-1-50.2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/26/2017

Date Review Received: 7/21/2017

Item: *DURSO TRUCKING - CONTRACTOR STORAGE YARD (C-449BB)*

A site plan application to construct a contractor storage yard with a 240 square foot modular office on 1.50 acres in the M zoning district.

The eastern side of Burts Road, approximately 220 feet south of Landmark Drive.

Reason for Referral:

NYS Route 304, Long Path Hiking Trail

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:

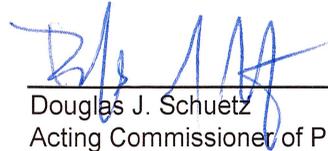
****Recommend the following modifications***

- 1 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2 A review must be completed by the New York - New Jersey Trail Conference and any concerns addressed.
- 3 As indicated in the July 24, 2017 letter from the Rockland County Department of Health, an application must be made to them for review to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 4 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.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.

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6 Light generated from the property must not exceed 0.1 fc at the property line. The proposed lighting plan exceeds this amount at the boundaries of the site and must be revised.

7 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
New York - New Jersey Trail Conference
Rockland County Department of Health
Jay A. Greenwell, PLS, LLC

**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.