Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
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Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 27, 2017

Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

Tax Data: 44.16-1-45

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 10/31/2016 **Date Review Received:** 12/23/2016

Item: ***GAS LAND PETROLEUM, INC. - GASOLINE FILLING STATION/CONV. STORE (C-379E)***

Special permit to allow the demolition of an existing auto body shop, and construction of a gasoline filling station/convenience store with a Dunkin Donuts and two, one-bedroom apartments located on the second floor. Two special permit applications are required. This special permit application is for the gasoline filling station, which will consist of three canopied islands with twelve fueling stations. A portion of the paper street, formerly known as Long Street, will be dedicated to the Town for municipal parking. The site is located on .86 acres in the LIO zoning district and Congers Hamlet Overlay Zone.

West side of NYS Route 303, north side of Hemenway Avenue

Reason for Referral:

NYS Route 303, Lake 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 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and all required permits obtained.

2 A review must be completed by the County of Rockland Department of Highways and any concerns addessed and required permits obtained.

3 The comments in the January 11, 2017 letter from the Rockland county Drainage Agency must be met.

4 The comments in the January 19, 2017 letter from the Rockland County Sewer district #1 must be met.

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5 The Town Board must be satisfied that all conditions for the special permit use, as required in Sections 290-15 and 290-17, are met.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Sewer District #1
Rockland County Department of Health

The Chazen Companies

Attention Pat McDonald, Town Attorney's Office
Justin Sweet, Town Clerk
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.