

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 22, 2017

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 44.16-1-45

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

Map Date: 1/11/2017

Date Review Received: 1/23/2017

Item: GASLAND CLARKSTOWN (AKA GAS LAND PETROLEUM) (C-379G)

Site plan to permit 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. A special permit application has been applied for the two, one-bedroom apartments located on the second floor. In addition, a second special permit application has been applied for the gasoline filling station, which consists of three canopied islands and twelve fueling stations. A re-subdivision is also proposed to dedicate a portion of the paper street, formerly known as Long Street, 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 addressed and required permits obtained.
- 3 The comments in the January 11, 2017 letter from the Rockland County Drainage Agency must be met.

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- 4 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 5 The comments in the January 19, 2017 letter from the Rockland County Sewer District #1 must be met.
- 6 As indicated in the January 25, 2017 letter from the Rockland County Health Department, an application must be made to them for review of the stormwater management system ensure compliance with the County Mosquito Code.
- 7 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.
- 8 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 9 All proposed signage shall conform to the town's sign standards.
- 10 The proposed landscaping plan does not illustrate any plantings along the northern boundary. To help minimize the impact of the new construction to the existing use to the north, and to provide a buffer, additional landscaping or fencing should be provided along the northern boundary.
- 11 A traffic study should be done to ensure that the State and County highways can accommodate the additional traffic volume from this proposed new use.



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 Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1

The Chazen Companies

**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.