

## 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*

June 27, 2017

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

**Tax Data:** 58.18-1-18

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:** 4/25/2017

**Date Review Received:** 6/1/2017

**Item:** *KS PROPERTY, LLC (C-3587)*

Parking variance to permit a new use that will occupy 19,400 sq. ft. of vacant indoor space in an existing building, that is used as a multi-use/multi-tenant industrial building. A total of 408 parking spaces are required; the site currently has 195 spaces. The applicant is proposing to add an additional nine spaces along the eastern parking area of the site.

North side of West Nyack Road, west side of the Palisades Interstate Parkway, opposite Rose Road

### **Reason for Referral:**

Palisades Interstate Parkway

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 The applicant has had a parking study conducted by Harry Baker & Associates. The study concluded that though 408 parking spaces are required for the multiple uses at the site, the peak demand times for many of the uses vary. It has further noted that the peak demand time for the proposed trampoline use occurs during non-peak hours for the other uses, complementing the parking needs overall. The parking study indicated that a total of 204 parking spaces were needed to accommodate all uses during the busiest times of the week. The applicant has indicated that they would provide nine additional parking spaces so that 204 total parking spaces are available for the patrons/employees.

The Town of Clarkstown must monitor the site to ensure that during peak periods of time, adequate parking is available. If it is found that insufficient parking exists for all of the uses, then the applicant must revise the site plan and provide additional parking to meet their needs.

**KS PROPERTY, LLC (C-3587)**

2 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.



---

Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
Palisades Interstate Park Commission  
Rockland County Department of Health  
Rockland County Sewer District #1  
Sparaco & Youngblood, PLLC

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.*