Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 6, 2017

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

Tax Data: 64.09-1-60

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/21/2010 **Date Review Received:** 8/4/2017

Item: ***DENIS MAHER (C-3502A)***

Parking variance to permit the expansion of an existing brew pub into the adjacent business space, located in the HC zoning district on .11 acres. A parking variance of 12 spaces is required, as no on-site parking is available, only street parking.
East side of Main Street, 100 feet south of Orchard Street

Reason for Referral:

Main Street (CR 33)

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 subject site is located directly on a County highway, so having adequate parking is critical in ensuring safe and efficient flow of traffic. On street parking is available along Main Street, Orchard Street, and Demarest Avenue. It is not certain if there are any municipal lots in the vicinity of the site that can be used by the patrons. The Town of Clarktown Zoning Board of Appeals must review the availability of nearby street parking to determine if there is sufficient parking in the vicinity of the site for the patrons of the restaurant. If it is determined that insufficient street parking is available, and that additional parking is required, then the applicant must find an alternative off-site parking area to use, and enter into a written agreement with the property owner. Signage directing the patrons to this alternative parking area must also be posted.

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

3 The comment in the August 4, 2017 letter from the Rockland County Department of Health must be met.

DENIS MAHER (C-3502A)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Department of Highways
Rockland County Department of Health

Denis Maher

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.