

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 11, 2018

Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

Tax Data:

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

Map Date:

Date Review Received: 12/19/2017

Item: TOWN OF CLARKSTOWN - MOTELS & HOTELS (C-3606)

Zoning Code Amendment to remove the special permit requirements for hotels and motels, and to permit them by right within the Commercial Shopping (CS), Regional Shopping (RS), and Major Regional Shopping (MRS) zoning districts.

Throughout the Town

Reason for Referral:

State and County roads, County streams, NYS Thruway, Village of Spring Valley, Long Path

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 paperwork submitted with the application cites that a Zoning Map is also required for the proposed amendment. Since the zoning district locations are not changing, this is not needed, and should be removed from the title and pertinent sections of the resolution.
- 2 Parking requirements for the MRS zoning district cite that the spaces needed are based on the gross square footage. As motel and hotel parking is usually based on the number of rooms or units, a specific parking standard should be provided for the MRS zoning district for this use.
- 3 Section 290-171. provided conditions for the special permit use; landscaping/screening and parking. These two conditions should be carried over to the permitted use for motels and hotels, to ensure that adequate landscaping/screening is provided and parking is not located too close to the property boundary or building.

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4 The MRS zoning district requires a minimum of 30 acres for proposals. It must be clarified if a motel or hotel use is permitted as part of a mixed-use development in this zoning district or if it must be a stand alone development. If it is to be a stand alone development, then the lot area requirement seems excessive.



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
New York State Thruway Authority
New York State Department of Environmental Conservation

Village of Spring Valley

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.