



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz

Acting Commissioner

Arlene R. Miller

Deputy Commissioner

November 13, 2018

Clarkstown Planning Board

10 Maple Avenue

New City, NY 10956

Tax Data: 35.19-2-7

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

Map Date: 9/6/2018

Date Review Received: 10/15/2018

Item: *PREMIER STORAGE (C-1225B)*

Site plan for the proposed construction of a 58,050 sq. ft., two-story, indoor mini-warehouse for consumer storage with 14 parking spaces on a parcel located in the COS zoning district on 2.66 acres. Included in the mini-warehouse is a 900 sq. ft. office, a drop-off/loading area, and between 446 and 475 storage units. The facility will be accessible from 6:00 AM-10:00 PM, seven days a week. Since there is zero runoff, plus an additional 20%, the applicant is requesting a bonus option to increase the permitted floor area ratio to .55.

West side of NYS Route 303, approximately 465 feet south of Leif Boulevard

Reason for Referral:

NYS Route 303, US Route 9W, Hook Mountain State Park

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 must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 2 The comments in the October 24, 2018 letter from the Rockland County Sewer District No. 1 must be met.
- 3 A review must be completed by the Rockland County Department of Health to ensure compliance with the County Mosquito Code.
- 4 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

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- 5 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 6 Two outlet drains are proposed that will discharge run-off towards the lands to the west. The Town must be assured that this discharge will not create drainage problems to the adjacent parcels downhill of the site, since the two run-off are in close proximity to each other, and will be more concentrated in these locations.
- 7 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.
- 8 All proposed signage must be shown on the site plan, and conform to all Town requirements.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Atzl, Nasher & Zigler P.C.

**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.