

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 10, 2018

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 58.18-1-11

58.18-1-8

58.18-1-10

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

Map Date: 9/13/2018

Date Review Received: 9/13/2018

Item: *ROCKLAND BAKERY EXPANSION (C-2088H)*

Site plan for the proposed connection of two existing building by an 832 sq. ft. hallway, which will facilitate the movement of products and personnel from one building to the other, and provide storage, for an existing bakery located on a total of 5.3 acres in the LIO zoning district. The existing building is 69,975 sq. ft. and the additional building is 24,325 sq. ft. for a total area of 95,132 sq. ft. A separate, stand alone building that consists of 2,400 sq. ft. is also used as warehouse space for the bakery. North side of Demarest Mill Road, approximately 151 feet west of NYS Route 304

Reason for Referral:

NYS Route 304, NYS Thruway

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 In November 2006, the Rockland County Planning Department reviewed modifications to a signed site plan that focused on traffic and parking related changes for the site that were recommended by the Town of Clarkstown. Some of these changes related to the twelve parking space area directly in front of the main entrance to the retail space on Demarest Mill Road. These spaces were supposed to be reangled and reduced from twelve spaces to ten, and moving the parking out of the public road right-of-way. The current application still shows twelve parking spaces encroaching over the property line. The site plan modifications proposed in 2006 reangling the parking spaces and relocating the spaces out of the right-of-way of Demarest Mill Road must be completed.

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2 Another major area where the parking was to be changed was the northwestern portion of the single bakery parcel. Chillers are now proposed in an area that had been designated for parking. In addition, the parking configuration has been altered. Initially the parking modifications were shown to provide 42 parking spaces in this portion of the site; now only 29 parking spaces are shown, as eight spaces are being replaced by the chillers, plus one space where a dumpster is now proposed. Aerial photography taken in 2016 shows this northwestern portion of the site to be littered with boxes, used for storage, with only a few vehicles parked in the designated parking area. Given the need for parking spaces for both the employees and the patrons of the retail portion of the bakery, it is critical that ample parking be provided. The merger with the two lots will help to ease some of the parking needs for the site. Town of Clarkstown Planning Board must determine if additional parking is warranted, and if so, to review the parking layout for maximum capacity.

3 The narrative indicates that three lots, tax parcels 58.18-1-8, 58.18-1-10, and 58.18-1-11 have all been merged and are now in one ownership. Both the Location Map and the Vicinity Map only highlight the two parcels; old tax parcel 58.18-1-11 has not been included as part of the site. The materials must be consistent. If all three parcels are now merged as one, then the former parcel 58.18-1-11 must also be highlighted on these maps.

4 The site is occupied almost entirely with either buildings or macadam pavement. To help with stormwater management, and to make the site more aesthetically pleasing, landscaping should be provided wherever possible. The striped areas that will not be used for parking, but which are still paved, and the areas along the property boundary could be planted with landscaping to help to break up the large mass of pavement and building areas, and reduce the amount of stormwater runoff.

5 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

6 The comments in the September 25, 2018 letter from the Rockland County Sewer District No. 1 must be met.

7 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

8 A review must be completed by the County of Rockland Department of Health and any required permits obtained.

9 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



Douglas J. Schueez
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
New York State Thruway Authority
Rockland County Department of Health
Rockland County Sewer District #1

Leonard Jackson Associates

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.

