



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 12, 2018

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

Tax Data: 64.05-2-24

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

Map Date:

Date Review Received: 12/14/2017

Item: *ROCKLAND VETERINARY EMERGENCY d/b/a VETERINARY EMERGENCY GROUP (C-3552B)*

Amendment to the Clarkstown Zoning Board of Appeals Resolution #4044 to modify Condition #1, which restricted business hours of operation for a veterinary practice that occupied a portion of the building located in the RS zoning district on .52 acres. The applicant would like to remove this restriction so that the veterinary services can be permitted during the day with appointments, and not on an emergency basis.

South side of NYS Route 59, north side of First Street, approximately 520 feet east of College Avenue

Reason for Referral:

NYS Route 59

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 Inadequate parking for a parcel located directly on a State highway can impede the safe and efficient flow of traffic and create unsafe access conditions, multiple movements to and from the roadway, and result in the need for parking within the State right-of-way. The applicant had a parking study conducted of the site for three days in September 2016, and reviewed a similar parking study conducted in Westchester County. The conclusion of these parking studies indicated that the maximum parking occupancy for both the bank and the 24-hour veterinary clinic operation could be accommodated simultaneously. Since that time, the applicant has decided to change his business model, so that veterinary specialists can conduct business during the daytime with appointments. Mr. Baker was contacted again to review his prior study to determine if the existing parking lot could handle the changed business model. In conclusion, Mr. Baker found that there is sufficient parking for two veterinarians practicing simultaneously and the adjoining bank use.

To ensure that sufficient parking is being met for these two uses, the Town must monitor the site's parking usage to ensure that adequate parking is being provided, and that the vehicles are not parking within the State right-of-way, or on the adjacent lot to the west without having a parking agreement in place. If it is found that additional

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parking is needed, then the applicant must provide alternate offsite parking arrangements with an adjacent or nearby user to correct this problem, or the hours of operation must be restricted again.

2 A review shall be completed by the New York State Department of Transportation and any comments or concerns addressed.

3 A readable site plan, one that has not been reduced, must be provided with the application. The site plan must contain a bulk table for the site, listing both the required bulk standards and the existing/proposed measurements. This table should also include the parking standard and a calculation demonstrating the parking requirement.



Douglas W. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Rockland County Department of Health

Ira M. Emanuel, P.C.

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.