

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

April 19, 2018

Clarkstown Planning Board  
10 Maple Avenue  
New City, NY 10956

**Tax Data:** 44.08-1-26

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

**Map Date:** 12/11/2017

**Date Review Received:** 4/16/2018

**Item:** *ROUTE 9W AUTOBODY (C-3052E)*

Site plan for the proposed demolition of 620 sq. ft. from an existing 2,670 sq. ft. commercial building, and construction of a 2,950 sq. ft. addition to that building. The parcel is located on .83 acres in the COS zoning district.

West side of US Route 9W, approximately 1,265 feet north of Lakewood Drive

**Reason for Referral:**

US Route 9W, Rockland Lake/Hook Mountain State Parks

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 An updated review must be completed by the New York State Department of Transportation, and all required permits obtained.
- 2 The comments in the March 26, 2018 letter from the Rockland County Sewer District #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.

**ROUTE 9W AUTOBODY (C-3052E)**

4 Though the applicant is proposing more parking spaces than required, we are concerned that the 2,950 sq. ft. addition will generate more parking needs. Our most recent aerial photography, flown in 2016, still shows that over 40 vehicles are being parked on site, as well as over the property line to the south. Intensifying the use may result in even more vehicles being worked on, and thereby increase the parking needs. Aerial photography, dated between 2016 and 2000 continually illustrates that vehicles are being parked within the State right-of-way, oftentimes only a few feet from the edge of the pavement. This creates a dangerous situation and cannot continue to occur in the future. The aerial photography also shows that over the years, the existing uses have further encroached into the land area of the parcel to the south, tax lot 44.08-1-27. All parking must be contained on site, and must be kept out of the State right-of-way. If the site cannot accommodate all of the parking needs, then an off-site parking location must be arranged, and a written agreement provided.

5 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

6 There shall be no net increase in the peak rate of discharge from the site at all design points.



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Douglas J. Schuetz  
Acting Commissioner of Planning

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

*\*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.*