

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 29, 2018

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

Tax Data: 57.20-1-47

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

Map Date: 9/11/2018

Date Review Received: 11/9/2018

Item: *WHITE CASTLE SYSTEM, INC. (C-475D)*

Variance for front yard to permit the demolition of an existing White Castle restaurant, and construction of a new, one-story, 2,788 sq. ft. restaurant with 38 parking spaces on a site that is located within the RS zoning district on 1.19 acres. The proposed new restaurant will be 32 sq. ft. larger than the existing restaurant.

Northeast side of NYS Route 59 and Dykes Park Road

Reason for Referral:

NYS Route 59, Nauraushaun Brook

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, and all required permits obtained.
- 2 The comments in the November 20, 2018 letter from the Rockland County Department of Health must be met.



Douglas J. Schuetz
Acting Commissioner of Planning

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

WHITE CASTLE SYSTEM, INC. (C-475D)

Dynamic Engineering

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.