

**DEPARTMENT OF PLANNING**

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

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

January 2, 2019

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

**Tax Data:** 57.20-2-54

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

**Map Date:** 9/21/2018

**Date Review Received:** 11/14/2018

**Item:** *CULINARY DEPOT (C-3009B)*

Variations to permit a 5,000 sq. ft. addition to an existing 10,000 sq. ft. commercial building located on 1.4 acres in the RS zoning district. Required variations include: front yard, side yard, and number of parking spaces.

South side of NYS Route 59, opposite Kemmer Lane

**Reason for Referral:**

NYS Route 59

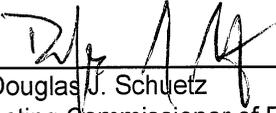
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

- 1 The Town of Clarkstown must be satisfied that the parking on site, including the shared parking, is adequate to serve the demands of both uses. The site must be monitored to ensure that no parking conflicts occur, especially since the site is located on a State highway.
- 2 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 3 Since the site is deficient in meeting the required number of parking spaces, areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to provide specific locations on the site for the snow piles, thereby eliminating the piling of snow in the parking spaces meant for the customers of the two uses.
- 4 The comments in the December 17, 2018 letter from the Rockland County Sewer District No. 1 must be addressed.

**CULINARY DEPOT (C-3009B)**

5 The location of the first handicapped parking space closest to NYS Route 59 is very close to the access, and could interfere with vehicles entering or exiting the site. The handicapped space should be relocated further from the highway so as to eliminate any conflicts.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

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

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.*