

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 3, 2019

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

Tax Data: 51.18-2-44

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

Map Date: 8/28/2018

Date Review Received: 3/7/2019

Item: *GIBSON MEETING HALLS, INC. (C-3634)*

Variances to permit a change of use for an existing structure from a residence to a small religious meeting hall that will accommodate up to 40 persons. Required variances include: lot area, lot width, front yard, side yard, and building height. The parcel is located on .72 acres in the R-22 zoning district. East side of NYS Route 304, approximately 350 feet north of Clearview Road

Reason for Referral:

NYS Route 304

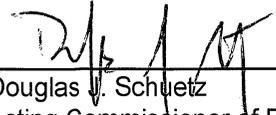
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 2 The comments in the March 8, 2019 letter from the Rockland County Sewer District No. 1 must be met.
- 3 As indicated in the March 12, 2019 letter from the Rockland County Department of Health, if a stormwater management system is required to remediate the increase in impervious surface, an application must be made to them to ensure compliance with the County Mosquito Code.
- 4 It must be demonstrated that vehicles backing out of the two parking spaces that are located directly off of NYS Route 304 will not back out into the State highway. Under no circumstances should vehicles back directly into the roadway, as NYS Route 304 is a very busy highway, and in doing so would create an unsafe condition. If it cannot be demonstrated that vehicles can turnaround so as not to back out into the roadway, then these two parking spaces must be relocated elsewhere on the site.
- 5 The narrative indicates that landscaping is proposed along the southern and northern property lines to help shield the new use from the neighbors. The landscaping must be shown on the site plan.

GIBSON MEETING HALLS, INC. (C-3634)

6 We are most concerned that adequate parking is available for the new religious use. The Town must monitor the site to ensure that parking is sufficient to serve the congregants.



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

Robert E. Sorace, PLS

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.