

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 21, 2019

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

Tax Data: 65.10-1-11

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

Map Date: 3/15/2019

Date Review Received: 4/29/2019

Item: *HAMPTONBURGH DISTRIBUTION (C-1993F)*

Application to re-grant variances for site improvements for two parcels located in the RS zoning district on a total of 1.29 acres. The previous site improvements included asphalt parking, landscaping, and stormwater improvements, a 562 sq. ft. addition to an existing building, construction of a new 25' x 40' garage for secure storage, and two aboveground outdoor storage tanks (propane and carbon dioxide). The application is before the Zoning Board of Appeals again because the previous version of the survey did not show the road widening of Greenbush Road, which reduced the width of the property by 4 feet along the roadway. In addition, when elevation lines were added to the plans, it was determined that a part of the adjacent lot was within the floodplain, resulting in the creation of a non-conforming lot, which was not the intent. As a result, a re-subdivision of the two parcels is being requested to account for this road widening and floodplain area. The lot line change will make the adjacent lot area conforming. Several features were slightly relocated so as to reduce the extent of the required variances. Required variances now include front yard, side yard, and total side yard. The former gas station site is proposed to become a business that provides welding supplies.

East side of NYS Route 303, west side of Greenbush Road, approximately 890 feet south of Park Lane

Reason for Referral:

NYS Route 303, Buttermilk Falls Park, RC Solid Waste Management Authority Waste Disposal facility

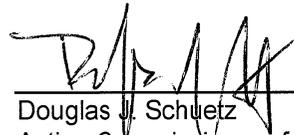
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****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. The proposed driveway location and configuration must be reviewed and approved by them. In addition, the applicant should connect the two parcels so that they operate as one entity, thereby reducing the number of access points along the heavily traveled State highway.

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- 2 A review must be completed by the County of Rockland Division of Environmental Resources and any comments or concerns addressed.
- 3 A review must be completed by the Rockland County Solid Waste Management Authority, and any comments or concerns addressed.
- 4 The comments in the May 8, 2019 letter from the Rockland County Sewer District No. 1 must be addressed.
- 5 An updated review must be completed by the Rockland County Department of Health. In addition, as indicated in their September 10, 2018 letter, if a stormwater management system is required to remediate the increase in impervious surface, an application must be made to them for review of the system to ensure compliance with the County Mosquito Code.
- 6 By State Law, the applicant must register with the local fire inspector, using Form 209U, for the proposed storage of the bulk chemical materials.
- 7 Under SARA - Title 3, the applicant must register with the Rockland County Fire Training Center.
- 8 The applicant must provide as-built drawings and other documentation to New York State Department of Environmental Conservation, Region 3, that illustrate the design and installation of the petroleum bulk storage tanks, as per code. These tanks must also be registered with them.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Rockland County Solid Waste Authority
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Division of Environmental Resources
Rockland County Office of Fire and Emergency Services
Bell Engineering, PLLC

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.