Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 14, 2019

Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

Tax Data: 58.11-2-3

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

Date Review Received: 2/20/2019

Item: ***WEST NYACK FIRE DEPARTMENT FIREWORKS (C-3374N)***

Permit to allow an annual carnival event at Germonds Park from May 16 through May 19, 2019. The park is located on 10.53 acres in the R-40 zoning district. Fireworks will be provided on May 19, 2019.

East side of Germonds Road, approximately 220 feet north of Stonehedge Drive

Reason for Referral:

Germonds Road (CR 27)

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 County of Rockland Department of Highways and all required permits obtained.

2 The use of the site shall comply with the performance standards for odor, noise and hours of operation so as not to disturb the surrounding uses.

3 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

4 Granting of a permit for the proposed carnival does not guarantee permit approval of any future carnival or event on the property.

5 Any fine and/or violation determined by the County of Rockland Department of Health during or after the event may preclude any event from occurring at the site in the future.

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6 To ensure sanitary conditions, the site shall be cleared of all debris and rubble within 72 hours after the closing of the event.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Department of Highways
Rockland County Department of Health

West Nyack Fire Company
Tina Scala, Clarkstown Building Department
Attention Kathleen Houlahan, Town Attorney's Office
Justin Sweet, Town Clerk
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.