

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

July 15, 2020

Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

Tax Data: 43.15-1-15

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

Map Date: 5/4/2020

Date Review Received: 6/30/2020

Item: 135 NORTH MAIN STREET (C-3657A)

Special permit to permit the construction of a 55,700 SF senior development consisting of two 2-story buildings located on 2.28 acres in the H-3 zoning district. Building A will contain 20 one-bedroom units and two two-bedroom units and Building B will contain 18 one-bedroom apartments, seven two-bedroom apartments, and one two-bedroom superintendent's unit. A total of 57 parking spaces are proposed, with 22 spaces located in the garage on the ground floor of Building A. Variances to permit two-bedroom apartments and for front yard are also required.

West side of North Main Street, opposite New City Gardens

Reason for Referral:

North Main Street (CR 29)

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***

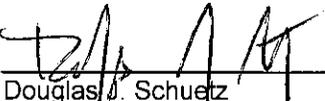
- 1 By definition, special permit uses are subject to a higher standard of review. The project narrative includes a detailed discussion of the relevant special permit standards. The Town Board must be satisfied that this proposal meets the additional requirements, outlined in Section 290-17O(B).
- 2 Variances are required from Section 290-17O(B)(g) and (h). These are to permit two-bedroom units and a front yard greater than 20 feet. As this is new construction, the site should be designed in a manner that does not include two-bedroom apartments or require the need for the yard variance. A redesign of the site should be done to explore whether the front yard variance can be reduced or eliminated, if possible.

We request the opportunity to review said variances, as required by New York State General Municipal Law.

- 3 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

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- 3 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.
- 4 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.
- 5 The proposed building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 6 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Clarkstown Fire Inspector, or the New City Fire Engine Company No. 1 to ensure that there is sufficient maneuverability on-site for emergency vehicles.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Sewer District #1

Atzl, Nasher & Zigler P.C.

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.