

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 24, 2020

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

Tax Data: 52.15-1-75

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

Map Date: 4/10/2020

Date Review Received: 7/17/2020

Item: 185 ROUTE 303 OWNER, LLC (C-3660H)

Building permit and recommendation of the Clarkstown Department of Engineering & Facilities Management for the Zoning Board of Appeals to serve as lead agency and adopt a SEQR determination. The ZBA approved variances on November 21, 1988 with a modification to the ruling on March 6, 1989. However, there is no record of the Board adopting their negative SEQR declaration. The applicant now wishes to develop the property in line with the site plan, approved by the Planning Board on October 25, 1989, for the construction of a 10,800 SF commercial building to be used for offices and warehousing. The removal of one entrance driveway to align the property with NYS DOT standards is also proposed. The site is located on 1.285 acres in the LIO zoning district.

West side of NYS Route 303, approximately 462 feet north of Alyssa Court

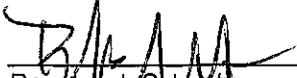
Reason for Referral:

NYS Route 303

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 An updated review must be completed by the New York State Department of Transportation. In addition, the applicant must comply with the conditions in their letter of February 27, 2020.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation

Bart M. Rodi

185 ROUTE 303 OWNER, LLC (C-3660H)

Adam Kurland

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.