

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 30, 2020

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 42.16-2-39

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

Map Date: 2/12/2020

Date Review Received: 3/11/2020

Item: *ASHAR (C-1698J)*

Site plan for the construction of a 2,640 SF, one-story addition to an existing private school located on 6.5 acres in the R-22 and R-40 zoning districts. An additional 17 parking spaces are also proposed. North Side of New Hempstead Road, East terminus of Beatrice Lane, approximately 173 feet west of Sycamore Street

Reason for Referral:

New Hempstead Road (CR 80), West Clarkstown Road (CR 35A)

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 As per the March 20, 2020 letter from the Rockland County Highway Department, a road work permit must be obtained from them prior to starting any construction activities in the site.
- 2 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 3 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.
- 4 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.

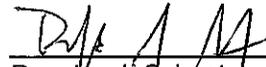
ASHAR (C-1698J)

6 The site plan and cover page of the application materials indicate 17 new parking spaces are proposed. The Short Environmental Assessment Form states 16 spaces are proposed while the Technical Advisory Committee minutes, dated February 12, 2020 indicates 18 additional spaces are proposed. It must be clarified as to how many new parking spaces are to be added to the site.

7 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by staff.

8 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line, especially in the southeast corner of the site.

9 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



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.

**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.