

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

June 15, 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: 4/15/2020

Date Review Received: 5/20/2020

Item: *ASHAR (C-1698K)*

Stacking plan to allow for 20 vehicles to queue in the preschool drop-off/pick-up area of an existing private school located on 6.5 acres in the R-22 and R-40 zoning districts.

North Side of New Hempstead Road, East terminus of Beatrice Lane, approximately 173 feet west of Sycamore Street

Reason for Referral:

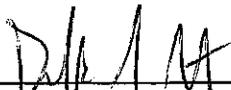
New Hempstead Road (CR 80), West Clarkstown Road (CR 35A)

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***

The following comment relates only to the stacking plan most recently received. The comments in our letter, dated March 30, 2020, related to the site plan for the construction of a one-story addition, received by our department on March 11, 2020, still stand.

1 To ensure the safe drop-off and pick-up of students, a specific area must be delineated for such purposes. This will ensure that a safe and orderly process is in place and avoids multiple cars discharging of students simultaneously.



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.

ASHAR (C-1698K)

**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.