

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 30, 2020

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 63.11-2-13

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

Map Date: 6/5/2019

Date Review Received: 1/13/2020

Item: *NYSMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS (C-524N)*

Site plan and special permit application to permit the installation of a Public Utility Wireless Telecommunications Service Facility consisting of antennas mounted on a 105 foot tower camouflaged as an evergreen tree, and all related equipment at the base. The tower is to be located on the northern portion of a 31.48-acre parcel that currently has a senior living community on it in the R-15 zoning district. North side of Convent Road, opposite Hayden Circle, approximately 524 feet west of Caravella Lane

Reason for Referral:

Convent Road (CR 46), South Pascack Road (CR 35), Pascack Brook, Rockland County Sewer District No. 1 Pump Station

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:

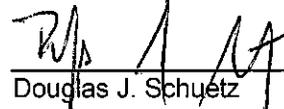
****Recommend the following modifications***

- 1 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.
- 2 The applicant must comply with the comments made by the Rockland County Drainage Agency in their letters of September 26, 2019 and January 24, 2020. As per their January letter, the Board shall ensure the applicant has no outstanding violations prior to granting any final approval.
- 3 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.
- 4 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 5 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

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6 The visual analysis balloon test should also be conducted during the winter when there are no leaves on the trees. This will help to provide a year-round representation of the viewshed and account for the parts of the year when leafed trees are not obscuring views. Specific areas where photos were taken such as VP2 and VP6, among others, may benefit from this.

7 Additional landscaping is proposed along the north, west, and south sides of the fenced compound. However, a residential area is also located east of the site. To further screen these residential areas to the east, more landscaping of evergreen trees should be supplemented along the eastern side of the access road to the compound.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Sewer District #1
United States Army Corps of Engineers
Rockland County Planning Board

Dewberry Engineers Inc.

**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.