

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene Miller**  
*Deputy Commissioner*

April 10, 2020

Clarkstown Planning Board

10 Maple Avenue

New City, NY 10956

**Tax Data:** 57.20-1-25.1

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

**Map Date:** 2/27/2020

**Date Review Received:** 3/24/2020

**Item:** *VOLKSWAGEN OF NANUET (C-3654)*

Site plan for the renovation of an existing 29,828 SF building, and the construction of a 438 SF addition, for a new car dealership and repair shop located on 3.29 acres in the RS zoning district. Seventy-five parking spaces and 104 storage spaces are proposed.

Northeast corner of NYS Route 59 and Hutton Avenue

**Reason for Referral:**

NYS Route 59

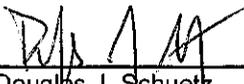
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

- 1 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 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 No. 1, any comments or concerns addressed, and all required permits obtained.
- 4 A review must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Clarkstown fire inspector, or the Nanuet Fire Department to ensure that there is sufficient maneuverability on site for emergency vehicles.
- 5 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.

**VOLKSWAGEN OF NANUET (C-3654)**

- 6 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 7 Areas designated for snow storage must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. In addition, providing specific locations on the site for snow piles will reduce the use of parking spaces meant for customers and staff.
- 8 A dumpster enclosure must be shown on the site plan and easily accessible to sanitation workers. Parked vehicles must not block access.
- 9 All proposed signage must be shown on the site plan, and conform to all Town requirements.
- 10 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line, especially along the southern and eastern borders of the site.
- 11 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).

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
New York State Department of Transportation  
  
Maser Consulting P.A.  
Nanuet Fire Department

*\*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.*