



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

March 23, 2015

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 44.16-1-18.2

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

Map Date: 1/23/2015

Date Review Received: 2/25/2015

Item: *VITA ANN LETO (C-2007A)*

Variances to permit the construction of a two-story addition to an existing single-family dwelling on .26 acres in the R-15 zoning district. Variances needed include: less than the required front yard and rear yard, and greater than permitted building height and maximum floor area ratio.

South side of Lakeward Avenue, west side of Allen Street (paper street)

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:

****Approve***

Since the proposed project will have no adverse impacts on any County-wide interests, this matter is remanded for local determination. However, we caution the town to consider the cumulative impact of permitting such development and the land use precedent that will be set. The ability of the existing infrastructure to accommodate this increased density must be evaluated. Allowing greater than permitted floor area ratio on undersized parcels could overburden local roads, as well as the sewer system, stormwater management systems and the public water supply.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Alex Gromack, Clarkstown
New York State Department of Transportation
Atzl, Nasher & Zigler P.C.

VITA ANN LETO (C-2007A)

Clarkstown Planning Board, Attention Joe Simoes

**The proposed action is deemed to have no significant negative impact on nearby municipalities, County or State roads or facilities, County Parks or Drainage Systems or the surrounding Neighborhood Character and, therefore, the ACTION IS FOR LOCAL DETERMINATION. Approval does not necessarily mean we endorse this subject action as desirable from the viewpoint of your municipality.*

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.