

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 26, 2016

Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

Tax Data:

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

Map Date:

Date Review Received: 7/5/2016

Item: *TOWN OF CLARKSTOWN - HOUSING DEFINITIONS (C-3566)*

Zoning code amendment to Chapters 157 and 290 to modify the definitions of "Family," "Senior Citizen Housing," "Senior Citizen Congregate Housing," and "Assisted Care Living Quarters."

N/A

Reason for Referral:

State and County roads & parks; Palisades Interstate Parkway; County streams; Towns of Haverstraw, Orangetown & Ramapo; Villages of Chestnut Ridge, Haverstraw, New Square, Nyack, South Nyack, Spring Valley, & Upper Nyack

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 It seems that the new definition for "family" will not permit four or more unrelated people living together in one dwelling unit; such as four post-college adults who would like to share a house together. This must be clarified if this is the intent.
- 2 It must be clarified if all of the criteria listed to determine the functional equivalent of a traditional family must be met; or if these are guidelines in which the determination is based on, and that this is the criteria to be used for consideration.

TOWN OF CLARKSTOWN - HOUSING DEFINITIONS (C-3566)

3 The definitions for "Assisted Care Living Quarters," "Senior citizen Congregate Housing," and "Senior Citizen Housing" each had an additional sentence added stating that at least one resident must have attained the age of 55 years or more. Would a person who is eligible for assisted care living quarters (because of a handicap), be able to reside in any of these living facilities if they do not meet the age eligibility? This must be clarified.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown

Attention Pat McDonald, Town Attorney's Office
Justin Sweet, Town Clerk
Clarkstown Planning Board, Attention Joe Simoes

**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.