

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 26, 2016

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

Tax Data: 43.05-1-9

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

Map Date: 7/22/2016

Date Review Received: 8/22/2016

Item: *JAWONIO, INC. (C-1337N)*

Variances to permit the proposed redevelopment of an existing campus that provides lifespan services to children and adults with disabilities and special needs, as well as veterans. Required variances include: lot coverage, parking stall size, and parking within the required front yard.
Southeast corner of N. Little Tor Road and Phillips Hill Road

Reason for Referral:

N. Little Tor Road (CR 33)

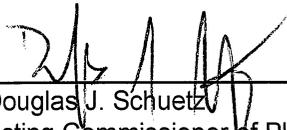
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.
- 2 The comments in the August 23, 2016 letter from the Rockland County Department of Health must be met.
- 3 The comments in the September 14, 2016 letter from the Rockland County Sewer District #1 must be met.
- 4 Low evergreen landscaping or a berm must be provided in front of the parking spaces facing the roadway to shield headlights from shining into oncoming vehicles traveling on the road.

JAWONIO, INC. (C-1337N)

5 The maximum development coverage is exceeded by over 127%. To help reduce the amount of impervious coverage, pervious materials must be used throughout the site where possible, including patio area, sidewalks and the reserved parking area, if it is found to be needed. In addition, the August 1, 2016 letter from Maser Consulting P.A. and the narrative state that many more parking spaces are required than needed. The Town should consider if additional parking areas, particularly those within the required yards, can be also reserved for future construction. This would reduce the amount of development coverage as well.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Planning Board

Maser Consulting P.A.

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.