

**DEPARTMENT OF PLANNING**

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

**Arlene R. Miller**  
*Deputy Commissioner*

July 26, 2016

Clarkstown Planning Board  
10 Maple Avenue  
New City, NY 10956

**Tax Data:** 33.08-2-15.2 33.12-2-1

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 5/31/2016

**Date Review Received:** 7/6/2016

**Item:** *LAICO (C-3412C)*

Two-lot subdivision of 8.2 acres in the R-160 zoning district. These two proposed parcels were required to be merged in a previous subdivision, but financial reasons now require them to be subdivided into individual parcels. Lot #2 is subject to a scenic easement and cannot be developed.

South of South Mountain Road, and east side of the Town of Ramapo town line, just south of the West Branch of the Hackensack

**Reason for Referral:**

Town of Ramapo

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***

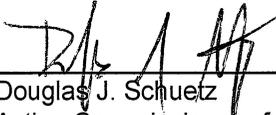
1 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

2 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is directly adjacent of the subject property line, along the western property line. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Clarkstown.

**LAICO (C-3412C)**

3 The property's deed has a statement of terms for Document Number 2055, which grants a scenic easement to the County of Rockland and requires that the land shall be forever kept as woodland open space in its present natural state for Lot #2, tax lot 33.08-2-15.2. Clarification of the legal issues for the proposed development were provided in a letter from the County Attorney's Office dated October 30, 2007. In order to maintain the scenic easement and ensure that no development occurs within this pristine area of the county, no development can occur on this tax parcel.

4 The comments in the July 7, 2016 letter from the Rockland County Department of Health must be met.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
Rockland County Drainage Agency  
Rockland County Department of Health  
  
Atzl, Nasher & Zigler P.C.  
Town of Ramapo Planning Board

*\*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.*