Rockland County

Ed Day, Rockland County Executive

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

March 13, 2017

Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

Tax Data: 53.13-2-26 53.13-2-25 53.13-2-24
53.13-2-23 53.13-2-22

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

Date Review Received: 2/10/2017

Item: ***9W VALLEY COTTAGE LLC (C-3562A)***

Request to the Town Board to permit the application of Town Law 280-A(4) to obtain access for a proposed re-subdivision of five lots on a total of 7.47 acres in the MF-1 zoning district, so that 40 patio-style townhouse units can be constructed for residents 55 years or older. A zone change from MF-1 to AAR is also being requested.

East side of US Route 9W, north and south sides of Atchison Street

Reason for Referral:

US Route 9W, Rockland Lake State Park, Rockland Lake Road (CR 80)

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 shall be completed by the New York State Department of Transportation and any comments or conditions addressed. All required permits will have to be obtained.

2 A review must be completed by the Palisades Interstate Park Commission and any raised comments or concerns addressed.

3 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.

9W VALLEY COTTAGE LLC (C-3562A)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Highways

Askon Consultants

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.