

**DEPARTMENT OF PLANNING**

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

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

November 1, 2017

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

**Tax Data:** 52.11-2-73

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

**Map Date:** 8/16/2017

**Date Review Received:** 9/14/2017

**Item:** *JOHN ALEX (C-3597)*

Variances for a proposed addition to an existing single-family dwelling located on .347 acres in the R-15 zoning district. Required variances include: greater than permitted floor area ratio, principal building coverage, and lot coverage.

West side of Spring Road, approximately 343 feet north of Emerald Drive

**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:

***\*Recommend the following modifications***

- 1 The comment in the September 25, 2017 letter from the Rockland County Department of Health must be addressed.
- 2 The comments in the October 23, 2017 letter from the Rockland County Sewer District #1 must be met.
- 3 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The applicant is requesting a building coverage that exceeds the maximum limit by over 36%, a floor area ratio that is 17% greater than permitted, and a lot coverage that is almost 14% greater than permitted. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development.

**JOHN ALEX (C-3597)**

4 The site plan submitted with the application was a partial plan, that was reduced by more than 50%. This results in a plan that is not-to-scale, and is extremely difficult to read. In addition, it is not clear, what is missing from the plan, since only a portion was provided. A to-scale plan must be submitted. The plan must also list map notes, including district information.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
Rockland County Department of Health  
Rockland County Sewer District #1  
New York State Department of Transportation  
  
Anthony R. Celentano P.L.S.

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.*