

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 27, 2017

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

Tax Data: 51.15-1-77

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

Map Date: 4/5/2017

Date Review Received: 6/26/2017

Item: *MARLO DINSAY - ADDITION TO SINGLE-FAMILY RESIDENCE (C-3592)*

Variance application for Principal Building Coverage and Lot Coverage, for a proposed addition to an existing single-family residence, on 0.34 acres in the R-15 zoning district.
Northwestern corner of Lyncrest Avenue and Miriam Place.

Reason for Referral:

South Main Street (NYS Route 304)

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:

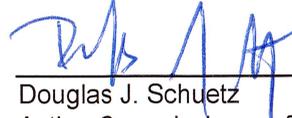
****Recommend the following modifications***

- 1 A review must be completed by the New York State Department of Transportation, and any required permits obtained.
- 2 A shed is shown on the site plan within the footprint of the proposed addition. It must either be labelled as "to be removed" or, if it is to be relocated, it's proposed location illustrated to ensure compliance with the zoning regulations.
- 3 The applicant must incorporate pervious pavers into the proposed site plan. This will lower the total lot coverage of the site and reduce or remove the need for a variance of this requirement.
- 4 As indicated in the 6/26/17 letter from the Rockland County Health Department, an application must be made to them if a stormwater management system is required to ensure compliance with the Rockland County Mosquito Code.

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5 The Town of Clarkstown must consider the cumulative impact of permitting such development and the land use precedent that will be set. The ability of the existing infrastructure to accommodate this increased development must be evaluated. Allowing greater than permitted coverage on undersized parcels could overburden local roads, as well as the sewer system, stormwater management systems and the public water supply.

6 The site plan shall contain map notes, including district information.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Rockland County Department of Health

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.