

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 11, 2017

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

Tax Data: 64.15-1-31

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/24/2017

Date Review Received: 11/22/2017

Item: *PATRICK FINNEGAN (C-3604)*

Variations to permit the construction of a new roof structure over an existing patio and deck area, to help shade the area during the spring and summer months, for a single-family dwelling located on .3778 acres in the R-15 zoning district. Required variations include: side yard, floor area ratio, principal building coverage, and maximum lot coverage.

Southwest corner of Short Street and East Avenue

Reason for Referral:

Palisades Interstate Parkway

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 comments in the November 22, 2017 letter from the Rockland County Department of Health must be addressed.
- 2 A review must be completed by the Palisades Interstate Park Commission and any comments addressed.
- 3 The principal building coverage and the maximum lot coverage variations are extensive, proposing overages of greater than 43% and 32% respectively. We caution the Zoning Board of Appeals in granting these variations, with respect to setting precedent for other property owners in the area to request similar exemptions. To help reduce the extent of the lot coverage, the applicant must use pervious pavers wherever possible.

PATRICK FINNEGAN (C-3604)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Palisades Interstate Park Commission
Rockland County Department of Health
Atzl, Nasher & Zigler P.C.

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.