



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 13, 2017

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

Tax Data: 57.15-1-8./200

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

Map Date: 8/31/2017

Date Review Received: 10/11/2017

Item: *LIBE FRIEDMAN (C-3600)*

Variance(s) to permit the conversion of a single-family residence to a two-family residence on a parcel that contains two buildings, and is .537 acres in the R-10 zoning district. Variances are required for floor area ratio, lot area, side yard, rear yard, building coverage, lot coverage, and expansion of a non-conforming use.

Northeast corner of Lawrence Street and Second Avenue

Reason for Referral:

NYS Route 59, Village of Spring Valley

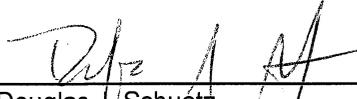
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review shall be completed by the New York State Department of Transportation and any comments or concerns addressed.
- 2 The Board of Appeals Application Form lists the need for seven variances for the residential conversion. The bulk table on the site plan also lists these variances, but also cites that variances are needed for lot width (on both streets), and building height. The building permit application form, on page two, lists the variances required, showing that multiple variances are needed for the conversion. The narrative submitted with the application only lists that a rear yard depth variance is required. The Town of Clarkstown Zoning Board of Appeals must review the proposal to ensure that all required variances are being sought. All materials must be consistent. The bulk tables should be reflective of the needs for each specific use, by adding an additional row to differentiate between the residential and commercial uses. The public hearing notice must be reviewed to ensure that all required variances are listed; otherwise it will have to be re-issued.
- 3 The site plan must contain map notes, including parcel information and district information.

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- 4 To help reduce the lot coverage variance, which is exceeded by 440%, some of the macadam pavement must be removed, and pervious pavers used where possible.
- 5 A parking calculation must be provided. Excess parking areas must be removed, and landscaping added to reduce the degree of non-conformity.
- 6 If a variance is required for the expansion of a non-conforming use, then it must also be listed on the site plan.



Douglas J. Schuétz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1

Anthony R. Celentano P.L.S.
Village of Spring Valley

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.