



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

May 10, 2017

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

Tax Data: 51.11-4-74

Re: General Municipal Law Review, Section 239 L and M

Map Date: 2/15/2017

Date Review Received: 4/25/2017

Item: Gilbert & Eileen Heim (C-3583)

Dear Chairman Hobbs, and the Clarkstown Zoning Board of Appeals Members:

This letter is to supersede our General Municipal Law review for Gilbert & Eileen Heim, C-3583, dated May 3, 2017. It was brought to our attention that a deed exists for a 14.56' access for tax parcel 51.11-4-74, that is not shown on the tax maps. After researching the parcel records and deeds, it was found that this 14.56' piece of land is included in the tax parcel, along with an 8' utility easement. We have contacted Sewall, the consultant that maintains the tax maps, and they are in the process of updating the records to reflect such.

Therefore, condition #2 of our May 3, 2017 review is rescinded; and only condition #1 applies. Please feel free to contact me if you have any questions.

Regards,

Arlene Miller
Deputy Commissioner

C: Atzl, Nasher & Zigler P.C.
Clarkstown Planning Board
Gilbert & Eileen Heim



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May 3, 2017

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

Tax Data: 51.11-4-74

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/15/2017

Date Review Received: 4/25/2017

Item: *GILBERT & EILEEN HEIM (C-3583)*

Variances for front yard, rear yard, side yard and maximum lot coverage to legalize the location of the decks and shed for an existing dwelling located on .392 acres in the R-15 zoning district.
West side of North Lane, approximately 139 feet east of NYS Route 304

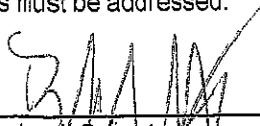
Reason for Referral:

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 shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.
- 2 The approved tax maps do not show access to NYS Route 304, as per the submitted survey dated February 15, 2017. The tax maps instead show this parcel to be landlocked. If the parcel is landlocked, then an access easement must be obtained. These issues must be addressed.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Atzl, Nasher & Zigler P.C.

GILBERT & EILEEN HEIM (C-3583)

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.