

**DEPARTMENT OF PLANNING**

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

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

June 27, 2017

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

**Tax Data:** 52.17-1-4

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

**Map Date:** 1/27/2017

**Date Review Received:** 6/2/2017

**Item:** *JOSEPH & CAROL IANIRO (C-3586)*

Variations to permit construction of a new single-family dwelling located on .92 acres in the R-40 zoning district. Required variations include: greater than permitted floor area ratio, building coverage, and lot coverage.

East side of Strawtown Road, west side of Lake DeForest, approximately 135 feet north of McCarthy Way

**Reason for Referral:**

Strawtown Road (CR 23)

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 June 7, 2017 letter from the Rockland County Highway Department must be met.
- 2 The comments in the June 8, 2017 letter from the Rockland County Department of Health must be met.
- 3 To reduce the extent of the variance for lot coverage, pervious pavers must be used wherever possible.
- 4 There shall be no net increase in the peak rate of discharge from the site at all design points.

**JOSEPH & CAROL IANIRO (C-3586)**



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Drainage Agency

Robert E. Sorace, PLS  
George Hodosh Associates

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.*