

KAY-KLUBENSPIES (C-3594)

3 The subdivision map submitted with this application is very difficult to read. The "Before" map only shows a small portion of the lots to be re-subdivided, and it is not clear why only this portion is illustrated. In addition, the "After" map does not clearly illustrate the existing lot lines versus the new lot lines. A dashed line is also shown with metes and bounds measurements, but it is not clear what this represents. A subdivision plat must be provided that clearly illustrates the existing tax lot lines, the lot lines to be eliminated, and the proposed new lot lines.

4 Subdivisions are one method to show an intended lot line change between two or more parcel owners. However, once a subdivision has been approved, a filed map cannot be used to convey property, nor can the tax maps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the subdivision map. The applicant and the Town must make sure that the deeds are properly filed with the Rockland County Clerk.

5 The bulk tables provide measurements for only three parcels. It is not clear if these measurements are for the existing parcels, or for the new parcels. The bulk table must be expanded to list both the existing parcel information and the proposed parcel information for all four parcels.

6 The bulk table for tax parcel #34.08-1-5 lists the proposed lot coverage to be 5.6% when only a 5% lot coverage is permitted. No asterisk is provided, or note, indicating that a variance is required. The bulk table for the R-160 zoning district must be updated to reflect that a variance is required.

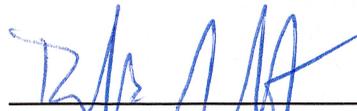
7 The bulk table for the R-80 zoning district lists two parcels, and notes that the lot coverage for tax parcel #34.08-1-4 has an existing condition that exceeds the lot coverage. However, since the lot lines are being altered, this lot coverage measurement cannot be considered an existing condition, as is noted in the table. The bulk table for the R-80 zoning district must be updated to reflect that a variance for lot coverage may be required for this parcel.

8 The subdivision map indicates that an easement is proposed for tax parcel 34.08-1-5 over tax parcel 34.08-1-4. Again, the parcel to the north containing the existing house, is tax parcel 26.20-2-7. This map note must be corrected.

9 The description for this application indicates that an easement will be extinguished. The existing easement has not been highlighted on the map, nor any area noted as to which easement is to be eliminated. The existing easement, if it is to be eliminated, must be clearly shown on the plans.

10 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

11 A review must be completed by the County of Rockland Department of Health and all required permits and/or approvals obtained.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Palisades Interstate Park Commission
Rockland County Drainage Agency
Rockland County Department of Health

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Anthony R. Celentano P.L.S.

**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.

