

**DEPARTMENT OF PLANNING**

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

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

January 17, 2017

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

**Tax Data:** 52.08-3-42

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

**Map Date:** 12/5/2016

**Date Review Received:** 12/19/2016

**Item:** *KAREN MERCHANT (C-3573)*

Variances to permit construction of a proposed two-story addition and a new free standing garage (with storage and a roof deck) for an existing single-family residence, located on .23 acres in the R-15 zoning district. Needed variances include: less than the required front yard, side yard, and rear yard; and greater than permitted floor area ratio and building coverage.

West side of Massachusetts Avenue, approximately 615 feet north of Jolliffe Lane

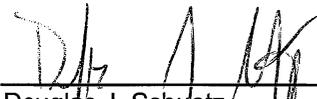
**Reason for Referral:**

US Route 9W, Rockland Lake State Park

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 bulk table lists the proposed side yard to be 29.3 feet, while the applications for the building permit and zoning board appeals, which has been updated by the building inspector, lists the side yard as 5 feet (to the proposed garage). The bulk table must be updated to reflect the correct measurement, and the need for this additional variance.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
New York State Department of Transportation  
Palisades Interstate Park Commission  
  
Stephen F. Hoppe, L.S.

**KAREN MERCHANT (C-3573)**

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.*