

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 28, 2017

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

Tax Data: 64.15-2-56

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

Map Date: 2/3/2017

Date Review Received: 7/14/2017

Item: *JAMES & CHERYL PASCALE (C-3589)*

Variations for front yard and maximum lot coverage to permit the construction of a two-story addition, with a second kitchen, to an existing single-family residence located on .707 acres in the R-40 zoning district.

East side of Continental Drive, just north and west of the terminus of Jill Court, just south and east of Hampshire Court

Reason for Referral:

Palisades Interstate Parkway

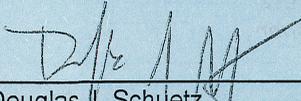
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Approve***

- 1 Since the proposed variations will have no adverse impact on any County-wide interests, this matter is remanded for local determination.
- 2 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process.
 - 2.1 Map notes that contain district and other pertinent information must be provided.

JAMES & CHERYL PASCALE (C-3589)

2.2 We caution the Town of Clarkstown Zoning Board of Appeals in granting the maximum lot coverage variance. Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites, as well as set a precedent for other residences to request similar uses, thereby changing the character of the neighborhood. This area is comprised of similar sized lots, all located within the R-40 zoning district. We caution the Town Z. B. A. to consider the cumulative impacts of permitting such development.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Anthony R. Celetano P.L.S.

Clarkstown Planning Board, Attention Joe Simoes

**The proposed action is deemed to have no significant negative impact on nearby municipalities, County or State roads or facilities, County Parks or Drainage Systems or the surrounding Neighborhood Character and, therefore, the ACTION IS FOR LOCAL DETERMINATION. Approval does not necessarily mean we endorse this subject action as desirable from the viewpoint of your municipality.*

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.