

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
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**Douglas J. Schuetz**  
*Acting Commissioner*

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

January 10, 2017

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

**Tax Data:** 58.20-2-51

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 9/17/2016

**Date Review Received:** 12/12/2017

**Item:** *EVAN & KRISTEN STAVISKY (C-3572)*

Variations to construct and maintain a pool, cabana and patio for an existing single-family residence located on .99 acres in the R-40 zoning district. Required variations include rear yard depth and maximum lot coverage.

East side of Strawtown Road, north side of the NYS Thruway, approximately 118 feet south of Samantha Way

**Reason for Referral:**

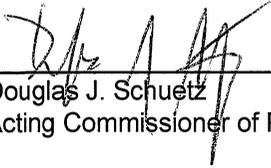
Strawtown Road (CR 23), NYS Thruway

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 An updated review must be completed by the County of Rockland Department of Highways and all concerns addressed and all required permits obtained.
- 2 As indicated in the December 15, 2016 letter from the Rockland County Department of Health, if a stormwater management system is required to remediate the increase in impervious surface, then an application must be made to them to ensure compliance with the County Mosquito Code.
- 3 The comments in the December 14, 2016 letter from the Rockland County Sewer District #1 must be met.
- 4 Since the site is located within the West Nyack Historic District, contains a Historical Marker, and is representative of the Revival Period, the Town should determine if the New York State Office of Parks, Recreation, and Historic Preservation has any involvement in reviewing the proposed application.

**EVAN & KRISTEN STAVISKY (C-3572)**

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
Rockland County Department of Highways  
Rockland County Sewer District #1  
Rockland County Department of Health  
Rockland County Historic Preservation Board  
New York State Thruway Authority  
New York State Office of Parks, Recreation and Historic Preservation  
  
Paul Gdanski, PE, PLLC

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.*