

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

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

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

October 17, 2018

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

**Tax Data:** 44.16-3-62

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

**Map Date:** 6/19/2018

**Date Review Received:** 9/20/2018

**Item:** *STEPHEN & APRIL ALFISI (C-1529C)*

Variations to legalize improvements that were made without a building permit for an existing single-family residence located in the MF-1 zoning district on .16 acres. Improvements include construction of a deck, conversion of a garage, and installation of an above ground pool. Required variations include: front yard on US Route 9W, rear yard, pool located within a front yard, and location of the shed (which cannot be higher than 12' and setback from any lot line two-thirds the height of such building).

West side of US Route 9W, south side of Old Lake Road

**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 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 2 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.

  
\_\_\_\_\_  
Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
New York State Department of Transportation  
Palisades Interstate Park Commission

Atzl, Nasher & Zigler P.C.

**STEPHEN & APRIL ALFISI (C-1529C)**

Robert Magrino, Esq.

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.*