Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 4, 2018

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

Tax Data: 43.07-1-2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 5/26/2016 **Date Review Received:** 9/7/2018

Item: ***CAPITOL SENIORS HOUSING (CSH-NEW CITY SENIOR HOUSING) (C-191.5D)***

Interpretation of the building inspector as to whether each unit in a proposed assisted care living quarters is a "dwelling unit". If "dwelling units" are proposed, then a recreation fee is imposed, whereas no units would not require such. The proposed assisted care living quarters are located on 4.9923 acres in the R-15 and R-22 zoning district.

West side of N. Main Street, east end of Susan Drive, approximately 740 feet south of Phillips Hill Road

Reason for Referral:

N. Main Street (CR 29)

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

Since the resolution of the proposed building inspector interpretation will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Department of Highways
Rockland County Department of Health

Brooker Engineering, PLLC
Steven Silverberg, Esq.

Clarkstown Planning Board, Attention Joe Simoes

CAPITOL SENIORS HOUSING (CSH-NEW CITY SENIOR HOUSING) (C-191.5D)

**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.