Rockland County

Ed Day, Rockland County Executive

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

July 26, 2018

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

Tax Data: 26.18-1-23

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

Item: ***BETH CHAMPEAU (C-866A)***

Development coverage variance to permit the relocation of 280 linear feet of the driveway for an existing single-family residence located on 3.7858 acres in the R-80 zoning district. The current driveway is located on the adjacent property, and attempts to swap, purchase or have an easement over this portion of the adjacent property have been unsuccessful.
North side of South Mountain Road, opposite Wyndham Lane

Reason for Referral:

West Branch of the Hackensack River

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 To help reduce the extent of the development coverage variance required for the site, pervious pavers and/or other materials must be used wherever possible.

2 As indicated in the July 11, 2018 letter from the Rockland County Department of Health, if a stormwater management system is required to remediate any increase in impervious surface, an application must be made to them to ensure compliance with the County Mosquito Code.

Douglas J. Schuetz
Acting Commissioner of Planning

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

Atzl, Nasher & Zigler P.C.

BETH CHAMPEAU (C-866A)

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.