

**DEPARTMENT OF PLANNING**

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

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

September 11, 2018

Clarkstown Town Board  
10 Maple Avenue  
New City, NY 10956

**Tax Data:**

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

**Map Date:**

**Date Review Received:** 8/29/2018

**Item:** *TOWN OF CLARKSTOWN - SENIOR HOUSING IN THE NS ZONE (C-3622)*

Zoning Code Amendment to permit, as a conditional use, senior housing in the Neighborhood Shopping Zoning District along US Route 9W. Age restrictions, unit size, and development bonuses are specified in the revisions.

East and west side of US Route 9W - just south of Lake Road; east of and opposite Old Lake Road;  
North of Doctor Davies Road

**Reason for Referral:**

US Route 9W, Rockland Lake State Park, Lake Road/Rockland Lake Road (CR 80)

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 For parcels that abut an R- zoning district, in addition to the increased side and rear yard requirements, the Town should require a landscaped buffer area to be provided within the yards. The only locations adjacent to an R- zoning district are those that abut Rockland Lake State Park and Swartout Lake.
- 2 It should be clarified if a spouse, who is not 55 years of age, can reside in the senior housing facility.
- 3 A review shall be completed by the New York State Department of Transportation, and any concerns addressed.
- 4 A review must be completed by the County of Rockland Department of Highways and any concerns addressed.

**TOWN OF CLARKSTOWN - SENIOR HOUSING IN THE NS ZONE (C-3622)**

5 A review must be completed by the Palisades Interstate Park Commission and any comments addressed.



Douglas J. Schuetz  
Acting Commissioner of Planning

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

Attention Pat McDonald, Town Attorney's Office  
Justin Sweet, Town Clerk  
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.*