



# 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*

February 28, 2018

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

**Tax Data:** 52.17-1-12

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

**Map Date:** 11/22/2017

**Date Review Received:** 1/31/2018

**Item:** *DELAVEGA (C-3609)*

Variances to allow the proposed construction of a first floor extension with full basement, new porch, a second floor addition, and a new two-car garage, for an existing single-family dwelling located on .59 acres in the R-40 zoning district. Required variances include: floor area ratio, front yard depth, maximum building height, and maximum principal building coverage

South side of Hillcrest Road, approximately 156 feet east of Strawtown Road

### **Reason for Referral:**

Strawtown Road (CR 23)

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 The comment in the February 1, 2018 letter from the Rockland County Highway Department must be met.
- 2 As indicated in the February 7, 2018 letter from the Rockland County Department of Health, if a stormwater management system is required to remediate the increase in impervious surface, an application must be made to them to ensure compliance with the County Mosquito Code.
- 3 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.
- 4 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.

**DELAVEGA (C-3609)**

5 The site plan is lacking several features: a vicinity map with scale and north arrow; map notes including district information; and the engineer's signature and stamp. These must be included on the plans.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Sewer District #1  
  
Clifford A. Herbst, PE

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.*