



# 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*

June 21, 2018

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

**Tax Data:** 43.13-1-11

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

**Map Date:** 5/18/2018

**Date Review Received:** 6/1/2018

**Item:** *ROMEO DINARDO - 3 PATRICIA DRIVE (C-3617)*

Maximum lot coverage variance to permit covering an existing deck so as to provide shelter from the weather, for an existing dwelling located on .92 acres in the R-40 zoning district.

Southwest side of Crieff Lane and Patricia Drive

### Reason for Referral:

New Hempstead 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 The comment in the June 7, 2018 letter from the Rockland County Highway Department must be addressed. If this driveway exists, it is not clear as to the need for this additional access, as the driveway does not lead to a garage. Removal of the second driveway would also decrease the lot coverage ratio.
- 2 To help reduce the extent of the development coverage variance required for the site, pervious pavers and/or other materials should be used in the driveway locations.
- 3 The bulk table lists an increase in the maximum floor area ratio, but does not note that a variance is required. The Referral Form lists that a principal building coverage variance is needed. All application materials must be consistent. If neither of these variances are required, then the table and/or Referral Form must be amended. If either of these variances are required, then the public hearing notice may have to be amended and re-issued.

**ROMEO DINARDO - 3 PATRICIA DRIVE (C-3617)**

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
Rockland County Department of Highways  
Robert E. Sorace, PLS

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.*