



# 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*

November 15, 2018

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

**Tax Data:** 57.10-1-71

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

**Map Date:** 8/23/2018

**Date Review Received:** 10/24/2018

**Item:** *ASSUNTO MIANO (C-3623)*

Variances to permit a proposed bathroom and bedroom addition above the garage of an existing single-family dwelling located on .172 acres in the R-10 zoning district. Required variances include: floor area ratio, side yard, and total side yard.

North side of Valley Drive, approximately 158 feet west of Drayton Place

### Reason for Referral:

Village of Spring Valley

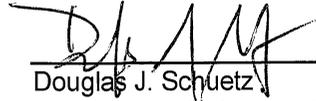
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

### ***\*Recommend the following modifications***

We caution the Town of Clarkstown Zoning Board of Appeals in granting these variances as the surrounding neighborhood is comprised of similar sized parcels and dwelling units that could also request similar yard and floor area ratio variances. Granting of these variances could set a precedent, thereby changing the character of the neighborhood. We offer the following comments for the proposed variances:

- 1 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is directly behind the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Spring Valley must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Clarkstown.
- 2 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.
- 3 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

**ASSUNTO MIANO (C-3623)**



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
Rockland County Department of Health  
Rockland County Sewer District #1

Robert E. Sorace, PLS  
Village of Spring Valley

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.*