

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 23, 2018

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

Tax Data: 64.06-2-24

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 5/24/2018

Date Review Received: 7/30/2018

Item: *CARMINE NIGRO (C-3621)*

Variances to permit construction of an addition and alterations to an existing single-family residence located in the R-15 zoning district on .35 acres. Required variances include: floor area ratio, front yard, building height, principal building coverage, and lot coverage. A variance for lot area is also noted, for the pre-existing condition.

Southwest side of Debra Lee Court, at the terminus; approximately 340 feet east of Rose Road

Reason for Referral:

Palisades Interstate Parkway

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 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 2 As indicated in the August 7, 2018 letter from the Rockland County Department of Health, if a stormwater management system is required to remediate the increase in impervious surface, and application must be made to them to ensure compliance with the County Mosquito Code.
- 3 To help reduce the extent of the development coverage variance required for the site, pervious pavers and/or other porous materials must be used wherever possible.
- 4 The lot area in the bulk table is asterisked, indicating that a variance is required. It must be clarified if this is indeed true. If so, then the public hearing notice will need to be revised and re-issued. If not, then a different symbol should be used, referring to another bulk table note that states that this is a pre-existing non-conformity, and that a variance had been previously granted.

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5 The site plan shall contain map notes, including district information.



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Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Palisades Interstate Park Commission
Rockland County Department of Health

Anthony R. Celentano P.L.S.
John Perkins Architect

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.