Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 13, 2018

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

Tax Data: 51.10-1-34

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/22/2018 **Date Review Received:** 2/26/2018

Item: ***CHRIS & JANEL ROMANI (C-3610)***

Variances for side yard and rear yard, to permit the construction of a detached, two-car garage for an existing single-family dwelling located on .26 acres in the R-15 zoning district.
North side of Nansen Court, approximately 180 feet east of the intersection with Lake Drive and Omley Place

Reason for Referral:

Collyer Avenue (CR 76)

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 comments in the February 27, 2018 letter from the Rockland County Highway Department must be addressed.

2 The Clarkstown Zoning Board of Appeals should determine if the maximum building coverage has changed. The bulk table lists the measurement as unchanged. Table 12, General Bulk Regulations notes that the maximum principal building(s) coverage is 11.5%. However, the definition for Building Coverage in the Zoning Ordinance is: "The percentage of the lot that is covered at the ground area of a building and its accessory buildings, if any." If this is the case, it seems that the maximum building coverage should increase with the construction of a new garage, and that a variance may be required.

3 A review must be done by the Rockland County Department of Health to ensure compliance with the County's Mosquito Code.

CHRIS & JANEL ROMANI (C-3610)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Department of Highways
Rockland County Department of Health

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.