Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 22, 2018

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

Tax Data: 34.16-1-33.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/16/2018 **Date Review Received:** 7/27/2018

Item: ***RADE VILOTIJEVIC (C-3620)***

Variances to permit the construction of a two-car garage for an existing single-family resident located in the R-22 zoning district on .5 acres. Required variances include: floor area ratio, front yard, maximum principal building coverage, maximum lot coverage, and distance of accessory structure in the side yard.

East side of Pearl Lane, 155 feet north of Old Route 304

Reason for Referral:

Old Route 304 (CR 29 & 90), West Branch of the Hackensack River

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 As indicated in the August 8, 2018 letter from the Rockland County Drainage Agency, the project is within the jurisdiction of that agency. Therefore, all required permits must be obtained prior to the commencement of any grading or construction on site.

2 The comments in the August 7, 2018 letter from the Rockland County Department of Health must be met.

3 The comment from the Rockland County Highway Department must be addressed.

4 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.

5 To reduce the extend of the lot coverage variance, the applicant must use pervious pavers where possible. As indicated in the Rockland County Highway Department letter, removal of the second driveway, and replacing it with landscaping, will help to reduce the extent of the lot coverage.

RADE VILOTIJEVIC (C-3620)

Douglas J. Schuetz
Acting Commissioner of Planning

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

Atzl, Nasher & Zigler P.C.

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.