

DEPARTMENT OF PLANNING

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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: 65.11-3-29

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

Map Date: 10/18/2018

Date Review Received: 10/25/2018

Item: *WILLOW AVENUE PROJECT LLC (C-3624)*

Variations to permit the construction of a single-family dwelling located on .236 acres in the R-10 zoning district. Required variations include front yard and maximum building height.
South side of Willow Avenue, approximately 185 feet east of Pine Street

Reason for Referral:

Long Path, Sean Hunter Ryan Memorial Park

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 County of Rockland Division of Environmental Resources and any comments or concerns addressed.
- 2 A review must be completed by the New York - New Jersey Trail Conference and any concerns addressed.
- 3 A review must be completed by the Rockland County Department of Health to ensure compliance with the County Mosquito Code.
- 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 The vicinity map shows the Village of Nyack boundary to be along the north side of McKinley Avenue, down the centerline of Towt Street and in the centerline of Pollen Street. It also has the label for the Town of Orangetown in the portion of the map that is located in the Town of Clarkstown. The Village/Town boundary and labels must be corrected to reflect the true boundary. In addition, a north arrow should be provided in the vicinity map since the orientation differs from the main map.

WILLOW AVENUE PROJECT LLC (C-3624)

6 Map notes, that include district information, must be provided. The zoning district in which the parcel is located must also be provided on the plans.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Division of Environmental Resources
New York - New Jersey Trail Conference
Rockland County Department of Health
Rockland County Sewer District #1
Jay A. Greenwell, PLS, LLC

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.