

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

June 12, 2019

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

Tax Data: 63.07-2-51

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/12/2018

Date Review Received: 5/9/2019

Item: *ANTHONY CAPASSO (C-1434F)*

Variations to permit an eleven-lot subdivision of 5.77 acres in the R-15 zoning district. Ten lots are to be developed with single-family dwellings; one lot is to be conveyed to the Town of Clarkstown for drainage purposes, and the another lot is comprised of a 50' mapped street (Will Rogers Lane) that is to remain as a private road. A variance for lot frontage (280-a3), for not having frontage on a public road, is required for lots 7 & 8.

East side of S. Pascack Road, north side of Will Rogers Lane, opposite Carriage Lane

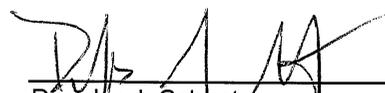
Reason for Referral:

S. Pascack Road (CR 35), Pascack Brook

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 May 22, 2019 letter from the Rockland County Highway Department must be met.
- 2 The comments in the May 16, 2019 letter from the Rockland County Sewer District No. 1 must be addressed.
- 3 The comments in the June 4, 2019 letter from the Rockland County Department of Health must be met.
- 4 A review must be completed by the County of Rockland Drainage Agency, all comments and concerns addressed, and all required permits obtained.



Douglas J. Schuetz
Acting Commissioner of Planning

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

ANTHONY CAPASSO (C-1434F)

Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Federal Emergency Management Agency
United States Army Corps of Engineers

Brooker Engineering, PLLC

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.