



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 1, 2019

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 58.06-2-23

58.06-2-21

Re: **GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

Map Date: 2/1/2019

Date Review Received: 10/22/2019

Item: **CARPENITO (C-3577B)**

Lot line change to relocate the property line between two lots that total 0.8 acres in the R-22 zoning district. Variances for lot area, lot width, and lot coverage were previously granted for both lots.

Variances for lot frontage, dwelling orientation, and access roadway were also granted for Lot 2.

East side of NYS Route 304, approximately 156 feet south of Oakwood Road, Furphy Lane is contained on Lot 2

Reason for Referral:

NYS Route 304

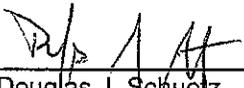
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

**Recommend the following modifications*

- 1 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 2 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 3 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- 4 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.

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- 5 The application form and general background section of the project narrative, dated June 24, 2019, indicate Lot 2 will be 22,500 SF, meeting the minimum area requirement of the R-22 zoning district. This should be amended to state that it will have a gross lot area of 22,500 SF. The net lot area for this lot will be 15,563 SF after deduction, for which a variance has already been granted on November 27, 2017. The public hearing notice should be written to acknowledge both the gross and net lot areas. The narrative must be corrected to reflect that Lot 2 is 15,563 SF, but that the required variances have been obtained.
- 6 The zoning board of appeals decision section of the project narrative refers to variances previously granted for Lot 3. This should be corrected to Lot 2, as there is no Lot 3 as part of this lot line change.
- 7 The general background section of the project narrative refers to both Lots as Lot 2. This should be corrected so that tax lot 58.06-2-21 is referred to as Lot 1 and tax lot 58.06-2-23 is referred to as Lot 2.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1

Sparaco & Youngblood, PLLC
Kevin T. Conway, Esq.

**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.