



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

June 13, 2019

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

Tax Data: 58.20-2-6

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

Map Date: 4/23/2019

Date Review Received: 5/15/2019

Item: *LINDA CHENG & PAUL LING (C-123A)*

Variances for front yard and maximum development coverage to permit the construction of an attached, two-car garage for an existing single-family residence located on 1.33 acres in the R-40 zoning district. Southeast end of Dara Court; approximately 267 feet east of Strawtown Road

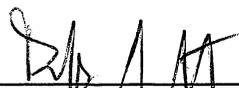
Reason for Referral:

Strawtown Road (CR 23), NYS Thruway - I-87/287

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 Rockland County Highway Department letter of May 20, 2019 must be addressed.
- 2 The comments in the May 20, 2019 letter from the Rockland County Sewer District No. 1 must be met.
- 3 As indicated in the June 5, 2019 letter from the Rockland County Department of Health, if a stormwater management system is required to remediate the increase in impervious surface, an application must be made to them to ensure compliance with the County Mosquito Code.
- 4 To reduce the amount of lot coverage, pervious pavers must be used wherever possible.



Douglas J. Schuetz
Acting Commissioner of Planning

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

LINDA CHENG & PAUL LING (C-123A)

New York State Thruway Authority

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.