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

April 1, 2019

Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

Tax Data:

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

Date Review Received: 3/4/2019

Item: ***TOWN OF CLARKSTOWN - SITE PLAN for NON-RES. USES IN RES. ZONES (C-3558A)***

Zoning Code Amendment to reinstate the requirements that non-residential uses in residential zones must receive site plan approval from the Planning Board and approval by the Architectural Historic Review Board.

Residential zones throughout the Town

Reason for Referral:

State and County roads, parks, facilities; county streams; Long Path; Towns of Haverstraw, Orangetown & Ramapo; Villages of Chestnut Ridge, Haverstraw, New Square, Nyack, South Nyack, Spring Valley, Upper Nyack

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:

***Approve**

Since the proposed zoning code amendment will have no adverse effect on any County-wide interest, we remand this matter for local determination.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Palisades Interstate Park Commission
Rockland County Division of Environmental Resources
Rockland County Department of Highways
New York State Department of Transportation
New York State Thruway Authority
Rockland County Drainage Agency

Towns of Haverstraw, Orangetown & Ramapo

TOWN OF CLARKSTOWN - SITE PLAN for NON-RES. USES IN RES. ZONES (C-3558A)

Villages of Chestnut Ridge, Haverstraw, New Square
Nyack, South Nyack, Spring Valley & Upper Nyack

Attention Kathleen Houlahan, Town Attorney's Office

Justin Sweet, Town Clerk

Clarkstown Planning Board, Attention Joe Simoes

**The proposed action is deemed to have no significant negative impact on nearby municipalities, County or State roads or facilities, County Parks or Drainage Systems or the surrounding Neighborhood Character and, therefore, the ACTION IS FOR LOCAL DETERMINATION. Approval does not necessarily mean we endorse this subject action as desirable from the viewpoint of your municipality.*

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.