

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

January 22, 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:** 12/21/2018

**Item: TOWN OF CLARKSTOWN - STORMWATER MANAGEMENT (C-3629)**

Zoning Code Amendment to change the requirement for Stormwater Management. The existing requirement that new development have a zero percent effect on the peak rate of flow from its site will be changed to that a negative fifteen percent (-15%) rate of flow from existing conditions be provided so as to reduce the peak rate of flow and to provide for the health, safety and general welfare of the inhabitants of the Town of Clarkstown by helping the residents maintain current drainage conditions and not have new development adversely effect their quality of life.

Throughout the Town

**Reason for Referral:**

State & County roads, parks, facilities; County streams, Palisades Interstate Park land, New York State Thruway, Long Path, Towns of Haverstraw, Orangetown & Ramapo; Villages of Chestnut Ridge, Haverstraw, New Square, 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 local law amendment will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

1 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process.

**TOWN OF CLARKSTOWN - STORMWATER MANAGEMENT (C-3629)**

1.1 A feasibility study of the proposed zoning code amendments should be undertaken, if not already performed, to ensure that the magnitude of the proposed increase in retention will not result in negative consequences. This should include engineering analysis, financial impacts, etc. of developing a property with the proposed parameters.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
New York State Department of Transportation  
Palisades Interstate Park Commission  
Rockland County Department of Highways  
Rockland County Drainage Agency  
Rockland County Division of Environmental Resources  
New York State Thruway Authority  
Rockland County Department of General Services,  
  
Villages of Chestnut Ridge, Haverstraw, New Square  
Towns of Haverstraw, Orangetown & Ramapo  
Nyack, Spring Valley & Upper Nyack  
  
Attention Pat McDonald, 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.*