Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 11, 2019

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

Tax Data: 52.08-3-19

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/16/2018 **Date Review Received:** 12/7/2018

Item: ***HELEN MALICK (C-3627)***

Variances to permit the construction of a single-family dwelling located in the R-15 zoning district on .217 acres. Required variances include: front yard, maximum floor area ratio and maximum building coverage.
Southeast corner of New York Avenue and Jolliffe Lane

Reason for Referral:

NYS Route 303, Rockland Lake State Park

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 As indicated in the December 28, 2018 letter from the Rockland County Department of Health, if a stormwater management system is require, and application must be made to them to ensure compliance with the County Mosquito Code.

2 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.

3 Neither the bulk table nor application materials indicate that a variance is required for lot area. It must be confirmed by the Town of Clarkstown that this variance is not required. If it is deemed to be needed, then the public hearing notice must be revised and reissued.

HELEN MALICK (C-3627)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Department of Health
Rockland County Sewer District #1
Palisades Interstate Park Commission
New York State Department of Transportation

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.