



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 25, 2019

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

Tax Data: 34.09-1-27.2

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

Map Date: 10/3/2018

Date Review Received: 6/7/2019

Item: *ELENA NAEMIT (C-3639)*

Variance for side yard deck to permit an above ground pool that is less than 10 feet to the adjacent residential lot, for an existing single family house located on .636 acres in the R-22 zoning district. West side of North Little Tor Road, approximately 120 feet north of Ardsley Drive.

Reason for Referral:

North Little Tor Road (CR 33)

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**

1 Since the proposed variance will have no adverse impact on any County-wide interests, this matter is remanded for local determination.

2 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.

2.1 The bulk table on the site plan indicates that the lot coverage is exceeded but that it is an existing condition. However, it is not clear if this non-conformity has been before the Clarkstown Zoning Board of Appeals since no Appeal Case Number is provided. If this has been heard before the Zoning Board of Appeals then the map needs to be updated to provide the Appeal Case Number. If it has not, this needs to be referred to the Zoning Board of Appeals to make the lot compliant.

2.2 The site plan must contain a vicinity map that contains a north arrow and scale. The site plan must also contain map notes.

ELENA NAEMIT (C-3639)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Department of Highways
Rockland County Department of Health
Anthony R. Celentano P.L.S.

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.