Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
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Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 10, 2019

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

Tax Data: 65.11-3-47

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 10/9/2018 **Date Review Received:** 11/16/2018

Item: ***DONNA HOFFMAN PEDERSEN (C-3626)***

Variances to permit the construction of a single-family dwelling located in the R-22 zoning district on .69 acres. Variances are required for lot frontage and 280a(3) - no access on an improved mapped street.

Southwest corner of the unimproved intersection of McKinley Avenue and Cleveland Street

Reason for Referral:

Buttermilk Falls County Park, Town of Orangetown

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 December 11, 2018 letter from the Rockland County Department of Health must be met.

2 A review must be completed by the County of Rockland Division of Environmental Resources and any comments addressed.

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

4 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the southern property line of the site. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown must be given the opportunity to review the proposed variances and provide any concerns related to the project to the Town of Clarkstown.

DONNA HOFFMAN PEDERSEN (C-3626)

Douglas J. Schuetz
Acting Commissioner of Planning

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

Jay A. Greenwell, PLS, LLC
Town of Orangetown

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.