



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: 58.10-1-1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 1/22/2018

Date Review Received: 6/7/2019

Item: *SHANE & ELIZABETH THOMAS (C-3638)*

Variance to permit a single story kitchen addition to an existing two-family dwelling for a parcel located on .459 acres in the R-15 zoning district. Required variances include side yard, total side yard, and maximum principal building coverage.

Northeast end of Shady Lane & west side of Palisades Interstate Parkway

Reason for Referral:

Palisades Interstate Parkway

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 A review must be completed by the Palisades Interstate Park Commission and any raised comments or concerns addressed.
- 2 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 3 Because there is an existing well on site, a review must be completed by the Rockland County Health Department and all necessary approvals obtained.
- 4 To decrease the visual impact of the proposed addition to the Palisades Interstate Parkway, evergreen landscaping should be provided along the eastern property line.
- 5 The proposed addition is irregularly shaped which results in an increase in building coverage. Since the proposed maximum principle building coverage is exceeded by over 112%, the layout of the addition should be reevaluated to determine if a new design could result in a decreased floor area.

SHANE & ELIZABETH THOMAS (C-3638)

- 6 Two family dwellings are not a permitted use in the R-15 zoning district. The Town of Clarkstown Zoning Board of Appeals must determine if the existing use has been permitted as a non-conforming use, or if a use variance is required in order to make the two family use legal.
- 7 The general notes should be expanded to include district information.
- 8 The site plan must contain a vicinity map that contains a north arrow and scale.



Douglas J. Schuetz
Acting Commissioner of Planning

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

W.E. James Engineering and Land Surveying, PLLC

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.