



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 20, 2019

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

Tax Data: 64.11-2-76

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

Map Date: 8/12/2019

Date Review Received: 8/27/2019

Item: *MARK & KARI VALCICH (C-3530A)*

Variations to permit a second floor addition for a bedroom, an expansion of the first floor kitchen, including two covered porches, and a new four-car garage for an existing residence located on 1.24 acres in the R-40 zoning district. The parcel is located on 1.24 acres in the R-40 zoning district. The variations required include front yard, maximum principal building coverage, and maximum lot coverage. North side of Van Houten Fields, approximately 350 feet west of Saxon Lane

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 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The maximum principal building and lot coverages are exceeded by 57% and 42%, respectively. The ability of the existing infrastructure to accommodate an oversized residence is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development.
- 2 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 3 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.

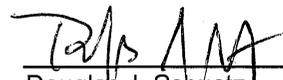
MARK & KARI VALCICH (C-3530A)

4 A review must be completed by the Palisades Interstate Park Commission, and any raised concerns addressed.

5 Pervious pavers should be used to the extent possible in order to reduce the extent of the lot coverage variance.

6 The Area Variance section of the Application to the Zoning Board of Appeals states the garage will be for three cars. All further mention of the garage, including on the site plan, indicates it will house four cars. It must be clarified how many cars the garage will accommodate and the inaccurate information corrected so all materials remain consistent.

7 The site plan shall include map notes that list all appropriate information, including the district details. In addition, the site plan must include a vicinity map that has a scale and north arrow.



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

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.