



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 25, 2019

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

Tax Data: 65.12-2-39

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/11/2019

Date Review Received: 9/3/2019

Item: *MARY WALLACE & JEAN CLAUDE PERIAC (C-3642)*

Variations to permit the construction of a half bathroom on the first floor of a single-family dwelling located on 0.11 acres in the R-10 zoning district. The variations required include front yard (Willow Street), floor area ratio, maximum building coverage, and maximum lot coverage.
Northeast corner of Willow Avenue and Pine Street

Reason for Referral:

Village of Nyack, Sean Hunter Ryan Memorial Park, The Long Path Trail

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 building and lot coverages are exceeded by 50% and 62%, respectively. The maximum floor area variance is also exceeded by 24%, while the front yard (Willow Street) is deficient by 71%. The ability of the existing infrastructure to accommodate increased residential density on non-conforming parcels 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 The applicant shall comply with the comments made by the Rockland County Health Department in their letter of September 19, 2019.

MARY WALLACE & JEAN CLAUDE PERIAC (C-3642)

- 3 The Village of Nyack is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 440 feet north of the site. As required under Section 239nn of the State General Municipal Law, the Village of Nyack must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Clarkstown.
- 4 The applicant shall comply with the comments made by the Rockland County Sewer District No. 1 in their letter of September 12, 2019.
- 5 The bulk table provided on the site plan shows the existing lot area is 5,000 SF while the required amount is 10,000. A note should be placed with this value indicating it is an existing non-conformity to keep it consistent with the other non-conformities on the bulk table.
- 6 The bulk table shall note which bulk requirements require variances for the proposal.
- 7 The site plan shall include map notes that list all appropriate information, including the district details. In addition, the site plan shall include a vicinity map that has a scale and north arrow.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York - New Jersey Trail Conference
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Division of Environmental Resources

Robert E. Sorace, PLS
Village of Nyack

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.