

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 30, 2020

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

Tax Data: 43.11-2-6.6

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

Map Date: 12/10/2019

Date Review Received: 1/13/2020

Item: *AHMAD AZATULLAH (C-1112E)*

Variances to legalize the location of an existing pavilion over an outdoor kitchen in the backyard of a single-family dwelling. The parcel is located on 0.446 acres in the R-22 zoning district. The variances required include floor area ratio, lot coverage, and spacing of buildings.

West side of East Cavalry Drive, approximately 174 feet south of King Arthur Court

Reason for Referral:

NYS Route 304

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***

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

1 The following additional comments are offered strictly as suggestions or observations and are not part of our required General Municipal Law (GML) review. The Board may have already addressed these points or may disregard them without any formal vote required under the GML process:

1.1 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 floor area ratio and maximum lot coverage exceed the permitted standards by 55% and 91%, respectively. 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 and the precedent that will be set by granting such variances.

1.2 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

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1.3 There shall be no net increase in the peak rate of discharge from the site at all design points.

1.4 The bulk table shall contain a site plan that shows conformance with the bulk standards of the R-22 zoning district.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Rockland County Department of Health

Atzl, Nasher & Zigler P.C.

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.