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 8, 2020

Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

Tax Data:

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: **Date Review Received:** 9/2/2020

Item: ***SENIOR CITIZEN HOUSING PROJECTS WITHIN HAMLET CENTERS (C-3662)***

Local Law to permit two-bedroom apartments in senior citizen housing projects located within Hamlet Centers.
Hamlet Centers

Reason for Referral:

State and County roads, facilities, and parks; County streams; adjacent municipalities

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 Local Law proposes to delete Chapter 290-17O(B)(8). The removal of this chapter permits ownership of senior housing apartments within Hamlet Centers, as well as rentals. Part (b) of this chapter includes a provision on the lease to inform renters that the unit is restricted to seniors aged 55 or older. The Town should consider leaving this provision, and expanding it to cover ownership, so it is clear that the apartments are restricted to senior housing only.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown

Towns of Haverstraw, Orangetown, & Ramapo
Villages of Chestnut Ridge, Haverstraw, New Square
Nyack, South Nyack, Spring Valley, & Upper Nyack
Attention Kathleen Houlahan, Town Attorney's Office
Justin Sweet, Town Clerk
Clarkstown Planning Board, Attention Joe Simoes

SENIOR CITIZEN HOUSING PROJECTS WITHIN HAMLET CENTERS (C-3662)

**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.