



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

October 8, 2013

ARLENE R. MILLER
Deputy Commissioner

Stony Point Zoning Board of Appeals
74 East Main Street
Stony Point, NY 10980

Tax Data: 20.10-2-59

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

Map Date: 8/5/1995

Date Review Received: 9/20/2013

Item: *ERICH & KIMBERLY VON HEIN (SP-803)*

Variance to allow evergreens and foliage, which blocks the line of vision at the corner intersection, at a residence in the R-1 zoning district on .21 acres.
Northwest corner of the intersection of Sullivan Drive and Central Highway

Reason for Referral:

Central Highway (CR 33)

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:

****Disapprove***

1 The Rockland County Department of Highways is not in favor of granting this variance for line of sight issues, as the shrubbery can create potential safety issues to the County highway. The shrubbery must be relocated or trimmed so that the line of site triangle is not obstructed.

Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Geoffrey Finn, Stony Point
Rockland County Department of Highways
Chris J. Wahmann, PLS

Erich & Kimberly VonHein

Rockland County Planning Board Members

ERICH & KIMBERLY VON HEIN (SP-803)

**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.