



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

July 1, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 21.09-1-18

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

Map Date: 10/10/2013

Date Review Received: 6/10/2014

Item: *MATT ANDERSON (SP-809)*

Variances to permit construction of a two-family dwelling on .17 acres in the RW zoning district, with less than the required front yard and rear yard.

West side of River Road, approximately 75 feet north of 4th Street

Reason for Referral:

River Road/Grassy Point Road (CR 108), Town of Haverstraw

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 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 Since the site is located directly on a County highway, sufficient parking must be provided on site for the proposed two-family dwelling. The applicant must demonstrate that adequate parking can be provided, and the site plan must illustrate the specific location of the parking spaces. The parking area must have a turnaround area so that vehicles do not have to back out into the County roadway. No parking shall occur within the County right-of-way.
- 3 Topography and elevations for the site must be shown on the site plan, and it should be annotated where the 100-year floodplain is located. Our maps indicate that the entire site is located within the 100-year floodplain of the Hudson River. If that is the case, then the building must be constructed so that it meets the regulations of Chapter 112, Flood Damage Prevention.
- 4 The Floodplain Administrator for the Town of Stony Point shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

MATT ANDERSON (SP-809)

5 The Town of Haverstraw is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 460 feet south of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Haverstraw must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Haverstraw must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Geoffrey Finn, Stony Point
Rockland County Department of Highways
Federal Emergency Management Agency
Anthony R. Celentano P.L.S.
Town of Haverstraw

George Stoll Construction

**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.