



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

EDWIN J. DAY
County Executive

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

THOMAS B. VANDERBEEK, P.E.
Commissioner

March 19, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 15.20-1-15

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

Map Date:

Date Review Received: 2/24/2014

Item: *FRANCES AQUINO (SP-807)*

Use variance to allow use of and storage of a recreational vehicle on an undeveloped lot in the R-1 zoning district on .06 acres.

South side of Beach Road (extension), approximately 104 feet east of Beach Road

Reason for Referral:

Beach Road (CR 110)

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 This department is not generally in favor of granting use variances because of the land use precedent that can be set. An applicant must prove unnecessary hardship in order for a use variance to be granted. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- A. The applicant cannot realize a reasonable return, provided the lack of return is substantial as shown by competent financial evidence.
- B. The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.
- C. The requested variance will not alter the essential character of the neighborhood.
- D. The alleged hardship is not self-created.

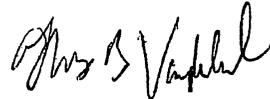
Allowing the use and storage of a recreational vehicle on an undeveloped lot in the R-1 zoning district can set a precedent, and change the character of this and other R-1 neighborhoods within the Town, if other property owners also requested a similar use variance. The applicant must demonstrate that all of the four criteria above have been met.

FRANCES AQUINO (SP-807)

In addition, if granted, we suggest that the Town of Stony Point place time limits on the storage of this vehicle, so that this is only a temporary use.

2 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.

3 A review must be completed by the County of Rockland Department of Health and any required permits obtained.



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

cc: Supervisor Geoffrey Finn, Stony Point
Rockland County Department of Highways
Rockland County Department of Health

Frances Aquino

**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.