



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

December 8, 2014

ARLENE R. MILLER
Deputy Commissioner

Stony Point Town Board
74 East Main Street
Stony Point, NY 10980

Tax Data: 20.02-11-28

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

Map Date: 9/3/2014

Date Review Received: 11/7/2014

Item: *MBC HOLDING CO. LLC (SP-812)*

Zone change from R-1 to LI-2 for 15.02 acres that are contiguous to other LI-2 zoned land.
East end of Hoke Drive, west side of the Consolidated Rail tracks, south side of the Cedar Pond Brook

Reason for Referral:

Cedar Pond Brook, Stony Point Marsh, NYS DEC wetlands

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 Drainage Agency and any comments or concerns addressed. If any permits are required for the zone change, they must be obtained.
- 2 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- 3 Since the site contains New York State wetlands, a review must be completed by the New York State Department of Environmental Conservation and any required permits obtained.
- 4 Since this parcel is located directly adjacent to a residentially zoned area, as a condition of the zone change, a permanent landscaped buffer or berm should be required along the boundary with the residential uses. This will help reduce any noise or ambient light levels that would result from a new use being developed in the LI-2 zoning district.

MBC HOLDING CO. LLC (SP-812)

5 The Land Use and Zoning Map dated September 3, 2014, submitted with this application, and prepared by Atzl, Nasher & Zigler P.C. shows the zoning district boundaries in the vicinity of the parcel to be rezoned. The LI-2 zoned area includes two parcels that are shown as different zoning districts when compared to the adopted Zoning Map dated February 5, 2013. These two discrepancies include tax parcel 20.04-11-1, which we show to be zoned BU; and 20.04-11-10, which we show to be zoned SRC. These discrepancies must be corrected.

6 The zone change application is proposing to rezone a parcel from the R-1 to the LI-2 zoning district. The Town of Stony Point's adopted zoning map has not been revised with this zoning district, that appears to have been adopted on October 8, 2013, based on the date on the Table of General Regulations. The Town's Zoning Map must be updated to reflect this new zoning district. In addition, it seems, that in searching through our files, that this zoning code amendment was not sent to the Rockland County Planning Department for their review, under the State General Municipal Law. As a reminder, all zoning code, zoning map, zone changes, or comprehensive plan amendments must be sent to our office for review.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Geoffrey Finn, Stony Point
Rockland County Drainage Agency
Rockland County Division of Environmental Resources
CSX Transportation, Inc.
New York State Department of Environmental Conservation

**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.