COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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Acting Commissioner

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June 11, 2015

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

Tax Data: 10.02-3-10

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

Map Date: 4/16/2015 **Date Review Received:** 5/18/2015

Item: ***NY - MOTT FARM (SP-818)***

Site plan for the proposed installation of a public utility wireless telecommunication facility, consisting of antennas within a stealth flagpole and other related equipment, on a parcel occupied by an existing business in the BU zoning district on 2.54 acres.
East side of US Route 9W, approximately 510 feet south of Katavolos Drive

Reason for Referral:

US Route 9W

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 shall be completed by the New York State Department of Transportation and any required permits obtained.

2 As required in Section 215-66B.(3)(b), a height waiver will have to be obtained from the Town Board since the proposed wireless telecommunications facility is in excess of 100 feet in the nonresidential zone.

3 There is some evergreen vegetation along the southern portion of the lot line abutting US Route 9W. Since the proposed camouflaged flag pole wireless facility is being proposed at the eastern edge of the parking lot at the northern portion of the parcel, surrounded by fencing, additional evergreen landscaping may be warranted to further screen the facility from public view, and from the river.

NY - MOTT FARM (SP-818)

4 The equipment shelter, though below the grade seen from US Route 9W, will be visible from the Hudson River, a scenic resource. As required in Section 215-66D.(1)(d), the equipment shelter shall be camouflaged behind an effective year-round landscaped buffer equal to the height of the proposed building.

5 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

6 There shall be no net increase in the peak rate of discharge from the site at all design points.

7 We request the opportunity to review the wireless communication facility application when it goes before the Stony Point Town Board for the special permit use and the height waiver.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Geoffrey Finn, Stony Point
New York State Department of Transportation
Tectonic Engineering & Surveying Consultants P.C.

**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.