

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

October 3, 2017

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

**Tax Data:** 20.05-3-74

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

**Map Date:** 3/16/1987

**Date Review Received:** 9/13/2017

**Item:** *ROBERT COPELAND - VARIANCE FOR FENCE (SP-831)*

A variance application to allow a six-foot fence within the front yard of a corner lot on 0.41 acres in the RR zoning district.

The northeastern corner of the intersection of Baisley Farm Court and Thiells Road.

**Reason for Referral:**

Thiells Road (CR 47), Washburns Lane (CR 100)

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 The site plan provided is inadequate. It appears to be a partial copy of a survey. The signature and seal are partially cut off, there is no vicinity map or scale, and it does not show the location of the proposed fence. The applicant must provide a full and complete survey.
- 2 As per the September 18, 2017 letter from the Rockland County Highway Department, a permit must be obtained from them and the fence must be contained within the property line and not extend into the public right-of-way.



Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point  
Rockland County Department of Highways  
  
Robert Copeland

## **ROBERT COPELAND - VARIANCE FOR FENCE (SP-831)**

*\*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.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*