Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 4, 2017

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

Tax Data: 15.03-1-14

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

Date Review Received: 9/12/2017

Item: ***PHILIP FESTA - APPEAL OF DECISION RE: FRONT YARD (SP-318A)***

An appeal of the Building Inspector's decision regarding the front yard designation, in order to construct a shed on 1.27 acres in the RR zoning district.

The western side of Wayne Avenue, between the Wayne Avenue/Bulsontown Road and Wayne Avenue/Andrews Drive intersections.

Reason for Referral:

Cedar Pond Brook, West Main Street (CR 108), Wayne Avenue (CR 112), Bulsontown Road (CR 65)

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 that does not show the full extent of the property, is not signed, stamped or dated by a surveyor or engineer, does not contain a scale, north arrow, vicinity map, or notes, and the proposed shed and distances to property lines have been drawn by hand. The applicant must provide a full and complete survey.

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

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3 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point
Rockland County Department of Highways
Rockland County Drainage Agency

Philip Festa

**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.