Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 18, 2017

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

Tax Data: 20.09-4-23

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/20/2017 **Date Review Received:** 6/26/2017

Item: ***JOHN NEWMANN - VARIANCE TO ALLOW DETACHED GARAGE (SP-829)***

Variance application for side and rear yards to allow a detached garage for a single-family residence on 0.34 acres in a R-1 zoning district.
South side of Michael Court, approximately 130 feet east of Greyridge Farm Ct.

Reason for Referral:

Hammond Road (CR 47), Willow Grove Road (CR 98), Municipal Boundary (Town of Haverstraw)

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 Town of Haverstraw is one of the reasons this proposal was referred to this department for review. The municipal boundary is adjacent to the rear of the property. As required under Section 239nn of the State General Municipal Law, the Town of Haverstraw must be given the opportunity to review the proposal and provide any concerns related to the project to the Town of Stony Point.

Douglas J. Schuetz
Acting Commissioner of Planning

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

James A Koppenhaver, P.E.
Town of Haverstraw Planning Board

JOHN NEWMANN - VARIANCE TO ALLOW DETACHED GARAGE (SP-829)

**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.