

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 8, 2018

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

Tax Data: 20.09-3-22

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

Map Date:

Date Review Received: 10/12/2018

Item: *JOSEPH & LENORE CAZZARELLA - 5 BURLINGHAM COURT (SP-836)*

A variance application to allow an existing deck for a single-family dwelling on 0.34 acres in the R-1 zoning district. The property has three street frontages and a variance of the front yard/setback for the Filors Lane frontage is requested.

The northwestern corner of Burlingham Court and Ewald Place.

Reason for Referral:

Filors Lane (CR 98)

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 has not been certified by a surveyor or engineer. The Town must base its decision on complete and accurate information. A site plan that contains map notes with district information, a scale, a vicinity map with a scale and north arrow, and bulk table, and has been stamped by a surveyor or engineer, must be provided.
- 2 The site plan indicates that the deck is located within a conservation easement. More information must be provided regarding the nature of the easement. If any County agency or department is party to the easement, permission for the deck must be obtained from that agency or department.
- 3 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.



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Acting Commissioner of Planning

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

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**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.