



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
Acting Commissioner

**Arlene R. Miller**  
Deputy Commissioner

July 3, 2018

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

**Tax Data:** 14.03-2-4

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:**

**Date Review Received:** 6/4/2018

**Item:** *MICHAEL KYSER RESIDENCE (SP-834)*

A variance application for a pool patio with a planter wall, for an existing single-family dwelling on approximately 0.6 acres in the RR zoning district. A side yard variance is requested.

The northern side of Sandyfields Lane, approximately 40 feet east of Beaver Pond Court.

### Reason for Referral:

Harriman State Park, Gate Hill Road (CR 106)

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 incomplete and inadequate. It appears to be a partial copy of a survey with the pool and patio, as well as the distance to the side property line, drawn in by hand. It lacks basic information and features, such as a bulk table, a date, the name and stamp of the creator, map notes with district information, a vicinity map, a scale, and a north arrow. An as-built survey, signed and stamped by an engineer or surveyor, must be provided that includes all relevant details and features.
- 2 The application materials submitted are not consistent with regards to the size of the variance required. A failed inspection report from the Stony Point Building Department dated May 23, 2018 indicates a side yard of 3'6". Page 1 of the Zoning Board application form indicates that the side yard is five feet. The provided site plan indicates a distance of ten feet. All materials must be consistent and a variance can only be granted with accurate measurements taken by a surveyor or engineer. In addition, the public hearing notice must be reviewed for accuracy and, if necessary, reissued.
- 3 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

**MICHAEL KYSER RESIDENCE (SP-834)**

4 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

5 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

  
\_\_\_\_\_  
Douglas D. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point  
Rockland County Department of Highways  
Palisades Interstate Park Commission

*\*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.*