Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 19, 2018

Stony Point Planning Board
74 East Main Street
Stony Point, NY 10980

Tax Data:	20.02-11-18	20.02-11-16	20.02-11-15
	20.02-11-14	20.02-11-13.1	20.02-11-12

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/16/2018 **Date Review Received:** 5/18/2018

Item: ***MINISCEONGO YACHT CLUB (SP-527D)***

A site plan application to demolish an existing clubhouse and construct a new 7,533 square foot clubhouse on six lots totaling 11.98 acres in the PW zoning district.
The northern side of Grass Point Road (CR 108) and Munn Avenue, approximately 250 feet east of Beach Road.

Reason for Referral:

Cedar Pond Brook, East Main Street/Grassy Point Road (CR 108), Beach Road (CR 110)

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

2 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of May 25, 2018.

3 As per the May 29, 2018 letter from the Rockland County Highway Department, adequate parking must be provided for members using the facility. All parking spaces must be delineated on the site plan. A parking calculation for existing and proposed conditions must be provided on the site plan. In addition, if the clubhouse is intended to be used for large events, an off-site parking arrangement may be necessary.

4 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.

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5 There shall be no net increase in the peak rate of discharge from the site at all design points.

6 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

7 The engineer of record shall certify to the floodplain administrator for the Town of Stony Point that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

8 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

9 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

10 Membership clubs are allowed by Special Permit within the PW zoning district. We request the opportunity to review the Special Permit application to the Town Board.

11 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.

12 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 J. Schuetz
Acting Commissioner of Planning

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

Brooker Engineering, PLLC

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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.