

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

**Arlene R. Miller**  
*Deputy Commissioner*

December 17, 2018

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

**Tax Data:** 15.20-1-11.1

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

**Map Date:** 11/14/2018

**Date Review Received:** 11/15/2018

**Item:** *STEPHEN PETTIPAS - 74 BEACH ROAD (SP-833A)*

A variance application to allow the construction of a new single-family dwelling on a corner lot with 0.17 acres in the R-1 zoning district. The property is located within the FEMA floodplain and the structure is to be elevated on piers. Variances are requested for front yard, rear yard, and building height. The eastern side of Beach Road (CR 110), approximately 485 feet south of Tompkins Avenue.

**Reason for Referral:**

Beach Road/Tompkins Avenue (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 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of November 21, 2018. A new work permit must be obtained.
- 2 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 3 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.
- 4 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.

**STEPHEN PETTIPAS - 74 BEACH ROAD (SP-833A)**

5 The bulk table indicates the proposed height is 37 feet. Since the Town of Stony Point measures height to the midpoint of a roof, the correct proposed height is 32.6 feet, as indicated in the November 14, 2018 denial letter from the Town Building Inspector. The bulk table must be corrected.

6 The bulk table indicates the roadway south of the parcel is an easement. Information regarding the nature and ownership of the easement must be provided. In addition, the site plan must indicate the designated street lines.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point  
Rockland County Department of Health  
Rockland County Department of Highways  
Federal Emergency Management Agency  
  
Anthony R. Celentano P.L.S.

*\*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.*