



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 1, 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: 3/26/2018

Date Review Received: 4/25/2018

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

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 yards, rear yard, and height.

The eastern side of Beach Road (CR 110), approximately 485 feet south of Tomkins 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 A review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.
- 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.
- 5 The bulk table provides the requirements of the R-1 zoning district. Since the lot is non-conforming, the bulk requirements provided in Article XIV, Section 94D.1 are applicable to this proposal. All materials must be consistent. The bulk requirements for a non-conforming lot must be included in the bulk table.

STEPHEN PETTIPAS - 74 BEACH ROAD (SP-833)

6 The denial letter issued by the Stony Point Building Inspector states that the proposed height of the project is 42 feet. Architectural drawings by Harry J. Goldstein indicate the proposed height of the structure will be approximately 33.3 feet to the midpoint of the roof. All materials must be consistent. This discrepancy must be resolved. The public hearing notice must be reviewed and, if it contains incorrect information, it must be revised and reissued.

7 The site plan shall contain map notes, including district information, and a vicinity map with a north arrow and scale.

8 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 include the centerlines of the street and easement and indicate the designated street lines.

9 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.

10 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

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.