

DEPARTMENT OF PLANNING

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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: 15.04-3-2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/21/2003

Date Review Received: 6/4/2018

Item: *JOHN ROONEY - 156 NORTH LIBERTY DRIVE (SP-716A)*

A variance application to allow a staircase at the rear of a residence on 0.3 acres in the R-1 zoning district. A variance of the spacing requirement between a principal and accessory structure is requested. The eastern side of North Liberty Drive (US Route 202/9W), approximately 280 feet north of Hastings Lane.

Reason for Referral:

North Liberty Drive (US Route 202/9W), Stony Point Battlefield State Historic Site

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:

****Approve***

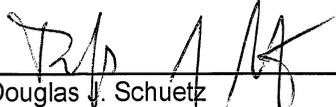
1 Since the proposed variance of the spacing requirements in Section 215.30B will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process.

2 The site plan provided is several years old and has features and measurements drawn by hand. An updated survey, with a bulk table and relevant measurements, should be provided. The board should make its decision using complete and accurate information.

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3 The existing structure is presumed to be a single-family dwelling. The principal use of the property should be explicitly stated.



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cc: Supervisor Jim Monaghan, Stony Point
New York State Department of Transportation
Palisades Interstate Park Commission

Anthony R. Celentano

**The proposed action is deemed to have no significant negative impact on nearby municipalities, County or State roads or facilities, County Parks or Drainage Systems or the surrounding Neighborhood Character and, therefore, the ACTION IS FOR LOCAL DETERMINATION. Approval does not necessarily mean we endorse this subject action as desirable from the viewpoint of your municipality.*

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.