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 25, 2019

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

Tax Data: 15.02-4-46

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/6/2019 **Date Review Received:** 5/29/2019

Item: ***160 NORTH LIBERTY DRIVE - CROWN CASTLE REPLACEMENT FACILITY (SP-747C)***

A site plan application to replace an existing 102'7" wireless telecommunications structure with a 120' replacement structure within a retail shopping plaza of 3.11 acres in the BU zoning district. A waiver by the Town Board of the height requirement is required.

The eastern side of North Liberty Drive, opposite Frado Court.

Reason for Referral:

North Liberty Drive (US Routes 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:

***Recommend the following modifications**

1 The applicant has not provided any information regarding the necessity for a taller structure. The applicant must demonstrate that the existing structure and surrounding network do not provide adequate coverage, and that the additional height is necessary to meet minimum thresholds for reliable service.

2 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

3 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

4 The visual analysis must include views from the area of peak elevation within the Stony Point Battlefield Park, approximately one-quarter mile east of the facility.

5 The site plan must be amended to include an updated fall zone of the proposed tower, and highlight any neighboring structures within that zone.

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6 The Town shall be satisfied that the proposed facility complies with the requirements for wireless telecommunications facilities found in section 215-66 of the Town Zoning regulations.

7 Wireless telecommunication facilities are allowed by Special Permit by the Town Board. In addition, a waiver of height requirements by the Town Board is required for this proposal. We request the opportunity to review the Special Permit application, as required by General Municipal Law.

8 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.

9 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
New York State Department of Transportation
Palisades Interstate Park Commission

Tectonic Engineering & Surveying Consultants PC

**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.