



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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**Douglas J. Schuetz**

*Acting Commissioner*

**Arlene R. Miller**

*Deputy Commissioner*

October 30, 2019

Stony Point Town 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:** 8/7/2019

**Date Review Received:** 10/9/2019

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

A special permit application to replace an existing 102'7" wireless telecommunications structure with a 120' structure within a retail shopping plaza on 3.11 acres in the BU zoning district. A waiver 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 This department received a letter, dated October 9, 2019, stating that the Town Board had received the subject special permit application. We subsequently received a notice, dated October 23, 2019, stating that the Town Board had approved the special permit application at its meeting of October 22, 2019. Providing the County with only 13 days to review the proposal is insufficient time. We would like to remind the Town that New York State General Municipal Law grants the County thirty days to provide a report of its recommendations to the Town. The Town must confirm that all actions taken are compliant with the General Municipal Law.
- 2 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.
- 3 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

**160 NORTH LIBERTY DRIVE - CROWN CASTLE REPLACEMENT FACILITY (SP-747E)**

- 4 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.
- 5 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.
- 6 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.

  
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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.*