



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 19, 2019

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

Tax Data: 20.02-11-7.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 10/22/2019

Date Review Received: 10/30/2019

Item: *BA MAR MANUFACTURED HOME PARK (SP-354Q)*

A variance application to rebuild and reconfigure an existing 152-unit manufactured home park with a new 138-unit manufactured home park with 329 parking spaces and an office building on 22.81 (gross) acres in the MHC zoning district. Variances are requested for lot width and street frontage for 124 of the proposed new units, and front setback variances are required for five units.

The southern side of East Main Street, opposite Beach Road, and the eastern side of the Conrail right-of-way

Reason for Referral:

Grassy Point Road/East Main Street (CR 108), Beach Road (CR 110), Cedar Pond Brook, Stony Point Marsh County Park

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***

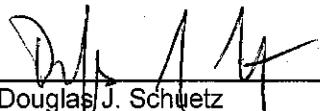
1 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. 124 of the 138 proposed new units require variances for lot width and street frontage. Five units will require variances for front setback. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development. The number of units should be further reduced so that the site better complies with the zoning requirements.

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- 2 The applicant must comply with all comments made by the County of Rockland Department of Health in their letter of October 24, 2019.
- 3 An updated review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed. In addition, the applicant must comply with all comments made by them in their letter of March 4, 2019.
- 4 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.
- 5 A review shall be completed by the New York State Department of Environmental Conservation and any required permits obtained.
- 6 As per the March 19, 2019 letter from the Rockland County Drainage Agency, a copy of the New York State Department of Environmental Conservation Freshwater Wetland permit or a written determination otherwise must be forwarded to them.
- 7 A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
- 8 The designated floodplain administrator for the Town of Stony Point shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
- 9 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Stony Point Fire Inspector, or the Stony Point Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 10 A review must be completed by Orange and Rockland Utilities and their comments considered.
- 11 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.
- 12 Any ingress/egress easements for tax parcel 20.02-22-9 (1-2 Ba Mar Drive) must be indicated on the site plan.
- 13 There must be no units or disturbances within the NYSDEC wetlands or the 100' adjacent area.
- 14 Three areas along Road C on the western side of the site have the symbols for snow storage areas, but are labelled as "proposed mail box." The symbols and labels must match. The labels must be corrected.
- 15 Either parking for the recreation/playground area, or sidewalks connecting these amenities to all of the housing units, must be provided.
- 16 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.

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17 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
Federal Emergency Management Agency
New York State Department of Environmental Conservation
Orange and Rockland Utilities
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Stony Point Fire District
United States Army Corps of Engineers

Brooker Engineering, PLLC

**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.

