



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Pomona, New York 10970

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 22, 2019

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

Tax Data: 19.01-1-37

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 8/14/2019

Date Review Received: 9/17/2019

Item: *LINDA P. MAGEE (SP-168E)*

Two-lot subdivision of 5.8 acres in the RR zoning district. An existing single-family dwelling will remain on each lot, with an existing garage also remaining on Lot 2. Variances for front setback and front yard depth will be required for Lot 2.

North side of Old Gate Hill Lane, approximately 846 feet southeast of Gate Hill Road

Reason for Referral:

Harriman State Park

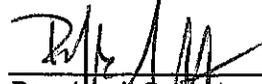
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

**Recommend the following modifications*

- 1 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 2 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 3 There is a well located on Lot 2. However, it is unclear whether this well was serving both houses. The water supply must be confirmed and reviewed by the Rockland County Health Department.
- 4 Lot 2 will require variances for front setback and front yard depth. A note referring to this shall be placed on the bulk table. We request the opportunity to review said variances, as required by New York State General Municipal Law.

LINDA P. MAGEE (SP-168E)

5 The site plan shall include map notes that list all appropriate information, including the district details.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point
Rockland County Department of Health
Palisades Interstate Park Commission
Rockland County Drainage Agency

Atzl, Nasher & Zigler P.C.

**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.