



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 7, 2020

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

Tax Data: 15.19-3-73

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 11/21/2019

Date Review Received: 11/25/2019

Item: *NICLEI'S CORNER (SP-840)*

Site plan and conditional use permit for the conversion of a single-family dwelling to a two-family dwelling located on 0.29 acres in the R-1 zoning district.

Southeast corner of North Liberty Drove and Rose Street

Reason for Referral:

North Liberty Drive (US Route 202 & 9W)

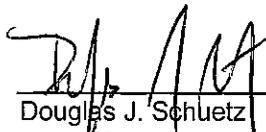
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

**Recommend the following modifications*

- 1 Though located in the R-1 zoning district, the subject site is located on a busy highway, with commercial uses across the street and to the south of the site, and residential uses to the north. A two-family dwelling, rather than a single-family dwelling, may serve as a good transition between these different uses. However, a two-family dwelling is only permitted as a conditional use in the R-1 zoning district, meaning it is subject to stricter bulk requirements. The site provides only approximately one-half of the minimum lot area standard of 25,000 SF. The Town must consider the precedent that will be set by granting this conditional use on an undersized lot and understand that it may result in nearby property owners seeking the same relief. A doubling of the residential density on this non-conforming parcel will result in additional residents who will generate more traffic on the local streets, leading to congestion and traffic conflicts. The Town must consider the cumulative and regional impacts of permitting such development.
- 2 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 3 As per the December 5, 2019 letter from the Rockland County Department of Health, an application must be made to them for compliance with the County Mosquito Code.

NICLEI'S CORNER (SP-840)

- 4 The parking requirement states that four parking spaces are being provided, however five are shown on the site plan. The parking requirement must be corrected. In addition, it must be clarified as to why five parking spaces are needed, when only four are required.
- 5 A new parking area and access are proposed for the two-family dwelling. However, this layout does not provide access to the existing frame garage. It must be clarified if the garage is to remain, and if so, if it will be used for parking, storage, etc. If the garage is to be removed, it would eliminate the need for the side and rear yard depth variance.
- 6 The Town shall be satisfied that the proposal complies with the general requirements for Conditional Uses outlined in Section 215-79
- 7 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.
- 8 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 9 Page 2 of the Application Review Form states the existing square footage and the total square footage are both 1,755. If an addition is being proposed, the total square footage should be greater than the existing square footage. This must be corrected.
- 10 Pages 4 and 7 of the Application Review Form indicate the Town of Clarkstown. These must be corrected to the Town of Stony Point.
- 11 The site plan shall include map notes that list all appropriate information, including the district details.
- 12 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 13 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.
- 14 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
Rockland County Department of Health
Rockland County Department of Highways

Atzl, Nasher & Zigler P.C.
George Hodosh Associates - Architects, P.C.

NICLEI'S CORNER (SP-840)

**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.