



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 22, 2020

Stony Point Zoning Board of Appeals
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: 12/10/2019

Date Review Received: 1/3/2020

Item: *NICLEI CORPORATION (SP-840A)*

Variations to permit the conversion of a single-family dwelling to a two-family dwelling located on 0.29 acres in the R-1 zoning district. A portion of the front porch is to be enclosed, with an addition to the second story to be built over it. A new parking area will also be added to accommodate the change in use and dwelling size. The variations required include lot area, front setback (Rose Street & North Liberty Street), side and rear yard depth, and parking in the front yard.
Southeast corner of North Liberty Drive and Rose Street

Reason for Referral:

North Liberty Drive (US Routes 202 & 9W)

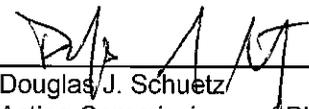
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

**Recommend the following modifications*

- 1 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. The lot area is approximately 50% deficient in meeting the bulk requirement. The front setback from Rose Street and North Liberty Street are deficient by 62% and 51%, respectively. The rear and side yard depth to the garage is deficient by 90%. 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, and ensure that granting these variations will not set a precedent.
- 2 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.
- 3 It must be clarified as to why five parking spaces are needed, when only four are required.

NICLEI CORPORATION (SP-840A)

- 4 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.
- 5 The site plan shall include map notes that list all appropriate information, including the district details.
- 6 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.
- 7 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

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