

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene Miller**  
*Deputy Commissioner*

May 13, 2020

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

**Tax Data:** 15.19-2-92

15.19-2-77

15.19-2-76

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

**Map Date:** 4/17/2020

**Date Review Received:** 4/23/2020

**Item:** *STONY POINT FIRE DISTRICT GARAGE (SP-843)*

A site plan application to remove a retaining wall, concrete slab, pavilion, and shed and to construct a 2,800 square foot garage and overhang for an existing firehouse on 0.94 acres in the BU zoning district. The southwestern corner of Summit Avenue and North Liberty Drive

**Reason for Referral:**

North/South Liberty Drive (US Routes 202 & 9W), East/West Main Street (CR 108)

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 Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 2 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.
- 3 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 4 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 5 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.
- 6 If any additional exterior lighting is proposed, a lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

**STONY POINT FIRE DISTRICT GARAGE (SP-843)**

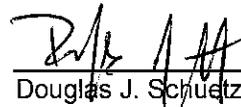
7 The adjacent properties to the west are zoned R-1, a low density residential district. Additional landscaping must be provided along the western property line to act as a buffer for the residential properties.

8 The applicant must clarify that the proposed garage is to be used as an accessory structure for the principal firehouse. No commercial or non-accessory use of the structure may be permitted.

9 It must be clarified if a variance is needed for minimum rear setback to the proposed garage. If one is not needed, the bulk table shall be amended to state that a variance is not needed for this standard. If one is required, we request the opportunity to review the variance as required by New York State General Municipal Law.

10 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.

11 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  
Rockland County Department of Health  
Rockland County Department of Highways  
New York State Department of Transportation  
  
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.*