



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

C. SCOTT VANDERHOEF
County Executive
January 21, 2011

ARLENE R. MILLER
Deputy Commissioner

Haverstraw Planning Board
One Rosman Road
Garnerville, NY 10923

Tax Data: 19.10-1-5 19.10-1-4

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date 11/2/2010

Date Review Received: 12/21/2010

Item: *D. A. CLIFFORD (H-238)*

Four-lot subdivision of 1.77 acres in the R-25 zoning district.
Southeast corner of Willow Grove Road and Call Hollow Road

Reason for Referral:

Willow Grove Road (CR 98), Call Hollow Road (CR 75), Minisceongo Creek, Town of Stony Point
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 Our records indicate, as does the August 13, 1990 Zoning Map for the Town of Haverstraw, that this parcel is zoned R-25. If this is correct, then the four proposed lots will all be undersized and will not conform to the Town's zoning standards. Even if only three lots were proposed under the R-25 zoning district, variances would be required for lot area and other bulk requirements since the net lot area is only 60,578 square feet. Clarification must be provided as to if and when the zoning for these parcels was changed. If the zoning is still R-25, the applicant would need to apply for a zone change to R-15 to proceed with this four-lot subdivision, and a General Municipal Law review by the County would need to be done as well.
- 2 A review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.
- 3 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.

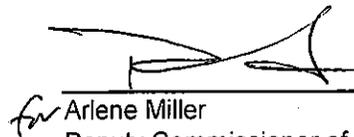
D. A. CLIFFORD (H-238)

4 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.

5 The Town of Stony Point is one of the reasons this proposal was referred to this department for review. The municipal boundary is directly adjacent of the site to the north, along the southern side of Willow Grove Road. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Stony Point must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Stony Point must be considered and satisfactorily addressed, as well as any additional concerns about the proposed subdivision.

6 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 New York State Guidelines for Urban Erosion and Sediment Control.


Arlene Miller
Deputy Commissioner of Planning

cc: Supervisor Howard Phillips, Haverstraw
Rockland County Department of Highways
Rockland County Drainage Agency
Atzl, Scatassa & Zigler P.C.
Town of Stony Point

**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.