

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 28, 2018

Haverstraw Town Board
One Rosman Road
Garnerville, NY 10923

Tax Data: 19.09-1-1

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

Map Date: 9/25/2018

Date Review Received: 10/19/2018

Item: **606 WILLOW GROVE REALTY (H-26H)**

A special permit to allow the operation of a bicycle shop on 0.42 acres in the R-25 zoning district under the provisions of section 167-97.3 - Country Commercial Uses. No changes are proposed to the site. The southern side of Willow Grove Road, approximately 170 feet west of Blanchard Road.

Reason for Referral:

Harriman State Park, Blanchard Road (CR 83), Willow Grove Road (CR 98), Town of Stony Point, Minisceongo Creek.

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 The Town of Stony Point is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern property line on Willow Grove Road. As required under Section 239nn of the State General Municipal Law, the Town of Stony Point must be given the opportunity to review the proposed special permit and provide any concerns related to the project to the Town of Haverstraw.
- 2 Currently, there are trucks stored on the site. The trucks must be removed before the new special permit use is approved.
- 3 The applicant must comply with all comments made by the Rockland County Health Department in their letter of November 27, 2018 and provide clarification regarding the proposed water supply. Previous applications indicate that this property is serviced by an existing well, which must not be used in any capacity that would constitute a Public Water System. The applicant must provide a connection to the Suez Water NY system, or comply with the restrictions on the public's access to water as described in the letter by the Rockland County Health Department.

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- 4 A parking table for each use must be provided. All parking spaces must be striped and shown on the site plan.
- 5 Previous applications indicated that the macadam area in the southeastern corner was to be removed. The current site plan indicates that the macadam area is still there and is not proposed to be removed. The applicant must clarify why this improvement was not completed.
- 6 The existing accessways from Willow Grove Road are wide and poorly defined. The accessways must be narrowed to provide more defined points of entry and egress. In addition, the entrance/exit signs must be supplemented by pavement markings to ensure the safe and orderly flow of traffic on the site.
- 7 As per the November 13, 2018 letter from the Rockland County Drainage Agency (RCDA), the subject property is within their jurisdiction. However, the current proposal, which does not include any site disturbance, does not require a permit from the RCDA. Any future improvements will require a permit or a determination otherwise from the RCDA.
- 8 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.
- 9 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 10 All signs shall be shown on the site plan and comply with the town's sign ordinance.
- 11 The map notes incorrectly list the water district as United Water, not Suez. The notes must be corrected. In addition, the site plan must include a bulk table and a vicinity map with a north arrow and scale.
- 12 The town shall be satisfied that the proposed use complies with the general requirements for special permits outlined in section 167-14 of the zoning regulations, as well as the specific requirements of Country Commercial uses outlined in section 167-37.3
- 13 Section 167-37.3(7) of the zoning regulations requires that all parking areas be suitably screened and buffered. The street frontage along Willow Grove road lacks adequate landscaping and buffering. Although no site improvements are proposed, the Town must take this opportunity to require additional landscaping along the street frontage.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Howard Phillips, Haverstraw
Rockland County Drainage Agency
Rockland County Department of Highways
Palisades Interstate Park Commission
Rockland County Department of Health

Atzl, Nasher & Zigler P.C.
Town of Stony Point Planning Board

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.

