

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 14, 2018

Haverstraw Zoning Board of Appeals
One Rosman Road
Garnerville, NY 10923

Tax Data: 20.16-2-6

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

Map Date: 6/18/2018

Date Review Received: 7/12/2018

Item: *DSB REALTY ASSOCIATES LLC (H-248D)*

A variance application to construct a 24,375 square foot warehouse/industrial building on 6.355 acres in the PIO zoning district. Variances are required for lot width, lot frontage, and front yard.

The northern terminus of Carol Avenue (a private road) and North Wayne Avenue; approximately 412 feet west of Ecology Lane.

Reason for Referral:

Village of West Haverstraw

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 Village of West Haverstraw is the reason this proposal was referred to this department for review. The municipal boundary is adjacent to the southern property line and access to the site is by village streets. 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 county-wide 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 enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.

The Village of West Haverstraw must be given the opportunity to review the proposal and its impact on

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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 Village of West Haverstraw must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 The subject property has no access to a public right-of-way. A variance of Section 280-a of General Municipal Law must be obtained.

3 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.

4 The applicant must comply with all comments made by the Rockland County Department of Highways in their letter of July 23, 2018.

5 If any disturbance is proposed with the federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Haverstraw Fire Inspector, or the Thiells/Roseville Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises, particularly since access is via a private road.

7 Page one of the Application Review Form states a narrative is attached. No narrative was included with this referral and must be provided.

8 The bulk table indicates that the proposed building will have two and one-half stories. Page one of the Environmental Assessment form describes the project as "a proposed complex of (3) one story buildings..." However, based on the site plan and the provided square footages, the proposal consists of a single one-story building. All materials must be consistent and clear as to the nature of the proposal

9 The application form indicates the proposed front yard is 65 feet, but the bulk table and site plan indicate the proposed front yard is 60 feet. The application form must be corrected. The public hearing notice must be reviewed and, if it contains inaccurate information, reissued.

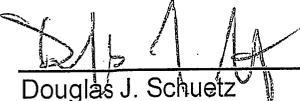
10 The parking calculation provided indicates that one parking space is required for every 600 square feet of warehouse use. The Table of General Use Requirements states that warehousing and industrial uses within the PIO zoning district require one parking space for every 300 square feet, plus one space for every 600 square feet of accessory use. Based on square footages provided, the proposal will require 77 parking spaces, not 48. In addition, a loading berth is required for this proposal. The parking area must either be amended to provide the required number of spaces and a loading berth added to the site, or a variance for parking must be obtained.

11 The map notes must include district information.

12 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.

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13 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 Howard Phillips, Haverstraw
Rockland County Department of Highways
Rockland County Department of Health
United States Army Corps of Engineers
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Thiells/Roseville Fire District

Atzl, Nasher & Zigler P.C.
Village of West Haverstraw 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.*

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.

