Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 14, 2018

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

Tax Data: 19.11-1-1.2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/21/2018 **Date Review Received:** 10/16/2018

Item: ***NORTH ROCKLAND SOCCER ASSOCIATION (H-260B)***

A variance application to allow the replacement of outdoor lighting at an athletic field facility on 18.3 acres in the R-120 zoning district. Variances for the 75' setback requirement, found in section 167-16C, are required for eleven of thirteen light poles.

The southern side of Willow Grove Road, and eastern side of the access spur of the northbound Palisades Interstate Parkway.

Reason for Referral:

Palisades Interstate Parkway, Willow Grove Road (CR 98), Letchworth Village Road (CR 94), Town of Stony Point, Minisceongo Creek, State property (Letchworth Village).

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 submitted lighting plan does not indicate that the field of illumination at the property line will be less than 0.1 candle lumens and does not extend to the Palisades Interstate Parkway ramp or the adjacent county roads. The intensity of the proposed lighting must be less than 0.1 candle lumens at the property line and must not interfere with or glare onto vehicles travelling along the Palisades Interstate Parkway or county roads.

2 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

3 The Town must comply with all comments made by the Rockland County Highway Department in their letter of November 5, 2018.

NORTH ROCKLAND SOCCER ASSOCIATION (H-260B)

4 The map notes on the site plan must contain district information. Map Note #1 on the Replacement Lighting Plan is incomplete and Map Note #3 has a misspelling of the word "during". The map notes must be corrected. The title box of the site plan and the site location note indicate that the property is located in the Town of Stony Point. The title box and the location note must be corrected to the Town of Haverstraw. The bulk table indicates the size of the parcel is 13.2 acres, not 18.2 acres. The bulk table must be corrected.

5 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.

6 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
Palisades Interstate Park Commission
Rockland County Department of Highways
Rockland County Drainage Agency

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

**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.