

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 21, 2020

Haverstraw Planning Board
One Rosman Road
Garnerville, NY 10923

Tax Data: 20.20-4-8

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

Map Date: 6/7/2020

Date Review Received: 7/31/2020

Item: *BEACH ROAD INDUSTRIAL, LLC - 427 BEACH ROAD (H-269)*

A site plan application to construct a 15,000 square foot industrial use building on 3.69 acre in the PIO zoning district. 48 parking spaces are to be provided and two existing structures with a total of 3,200 square feet are to be retained. The site is partially located within the FEMA flood plain and has unnamed wetlands.

The northwestern corner of Beach Road and Ecology Drive

Reason for Referral:

Haverstraw Bay Park, Minisceongo Creek, Gagan Road (CR 109), Beach Road (CR 108), 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 one of the reasons this proposal was referred to this department for review. The municipal boundary is adjacent to the southern property line. 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 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 Village of West Haverstraw 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 Village of West Haverstraw must be

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considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 2 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of August 11, 2020.
- 3 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of August 4, 2020.
- 4 A review must be completed by the County of Rockland Drainage Agency and any required permits obtained from them.
- 5 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- 6 The applicant must comply with all conditions made by Suez in their letter of July 21, 2020.
- 7 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.
- 8 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- 11 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 12 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 13 The tax parcel number is incorrectly listed as 20.20-4-2, not 20.20-4-8, on the cover letter, lead agency letter, application form, referral form, and site plans. The tax parcel number must be corrected on all application materials. The public hearing notice must be reviewed and, if contains the incorrect tax parcel number, corrected and re-issued.
- 14 The designated floodplain administrator for the Town of Haverstraw shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
- 15 All proposed signage shall be indicated on the site plan and shall conform to the Town's sign standards.

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16 The map notes must contain district information.

17 The lighting plan must be amended to demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

18 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the tenants of this development. This is particularly important as the number of spaces provided is only one space greater than required.

20 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.

21 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.

22 Page 2 of the Full Environmental Assessment Form must indicate all agencies for which a permit is required, including the Rockland County Department of Health, the Rockland County Department of Highways, and the Rockland County Drainage Agency.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Howard Phillips, Haverstraw
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Thiells/Roseville Fire District
Federal Emergency Management Agency

Corless and Associates
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.*

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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.