

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 10, 2020

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

Tax Data: 25.14-3-34

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

Map Date: 1/13/2020

Date Review Received: 3/10/2020

Item: *DINI WIGS - 18 THIELLS MT. IVY ROAD (H-84F)*

A special permit application to add a second story and renovate an existing commercial building for retail and wholesale use on 1.24 acres in the C zoning district.

The western side of Thiells Mount Ivy Road, approximately 215 feet south of Mazza Court

Reason for Referral:

Village of Pomona, Thiells Mount Ivy Road (CR 47), Palisades Interstate Parkway, Long Path

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 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.
- 2 A review must be completed by the County of Rockland Department of Highways and any comments or concerns addressed, and all required permits obtained from them.
- 3 The Village of Pomona is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the western boundary of the Palisades Interstate Parkway, approximately 400 feet west of the property line. As required under Section 239nn of the State General Municipal Law, the Village of Pomona must be given the opportunity to review the proposed site plan and provide any concerns relating to the project to the Town of Haverstraw.
- 4 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 5 A review must be completed by the New York - New Jersey Trail Conference and any concerns addressed.

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6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Haverstraw Fire Inspector, or the Moleston/Hillcrest Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

7 Maps maintained by the county indicate that the subject parcel is located in the R-15 zoning district. In 2017, an application for a zoning map change was submitted for this property. Since the Rockland County Planning Department has offered to maintain the Town's zoning map, the Town must provide the appropriate documents (maps, resolutions, etc.) to the Rockland County Planning Department's Geographic Information Systems Division so that the map can be correctly updated.

8 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 latest edition 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 Town regulations require a buffer within 25 feet of any residential district in which no parking or loading areas are allowed. The site plan must be amended to indicate the 25-foot buffer. All parking spaces and loading areas must be relocated out of the buffer area and appropriate landscaping must be provided.

11 The designated loading berth is not adjacent to the structure and, therefore, cannot function properly. It would also be very difficult to maneuver into and out of the berth if vehicles are parked in the adjacent spaces. A functional loading berth that is adjacent to the building must be provided.

12 The site plan indicates that the proposed structure will have two and one-half stories. The architectural plans provided do not indicate a half-story is proposed, as defined by the Town's regulations. The bulk table must be corrected to indicate the correct number of proposed stories. In addition, the applicant must demonstrate that the lowest floor of the structure meets the criteria for a cellar, and is not counted as a story. This demonstration must include an average grade calculation on the site plan. If the lowest level does not meet the definition of a cellar, then the proposed structure will have three stories and must obtain a variance.

13 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

14 The site plan must be amended to include additional landscaping or a berm along the parking area to shield the roadway and neighboring properties from the headlights of parked vehicles. Landscaping along the Palisades Interstate Parkway must be enhanced to block the glare from headlights and prevent trash and debris from blowing downhill into the highway.

15 All proposed signage shall be indicated on the site plan and shall conform to the Town's sign standards.

16 The map notes on the site plan must include district information. In addition, the site plan must include a vicinity map with a north arrow and scale.

17 The Town shall be satisfied that the proposal complies with the general provisions for special permit uses outlined in Section 167-14, as well as the specific standards for wholesale sales outlined in Section 167-31.

18 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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19 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 Health
Rockland County Department of Highways
Rockland County Office of Fire and Emergency Services
New York - New Jersey Trail Conference
Palisades Interstate Park Commission
Moleston/Hillcrest Fire District

Bart M. Rodi
Village of Pomona 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.