

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

January 7, 2020

Haverstraw Planning Board  
One Rosman Road  
Garnerville, NY 10923

**Tax Data:** 26.05-1-42

26.09-2-8

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

**Map Date:** 11/11/2019

**Date Review Received:** 11/20/2019

**Item:** *OAK TREE APARTMENTS - 22 ROSMAN ROAD (H-250D)*

A site plan application to construct a 228-unit multifamily complex on two existing parcels currently located within the RG and R-15 zoning districts, on a total of 14.48 acres. The proposal is based on a concurrent application to the Town Board for the creation of a new multifamily zoning district, entitled OT-18.

The northeastern side of Rosman Road, approximately 590 feet north of West Ramapo Road

**Reason for Referral:**

Village of West Haverstraw, Minisceongo Creek County Park, West Ramapo Road (US Route 202)

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:

***\*Disapprove***

1 The proposed development is based on proposed text and map amendments that have not yet been approved. These amendments essentially amount to spot zoning. The proposal creates an entire new zoning district for the benefit of a single development, rather than as part of a comprehensive plan. The creation of a new zoning district must be the result of a careful analysis by the Town of Haverstraw with regard to the land use challenges, needs, and opportunities throughout the municipality. The current proposal is a custom-made district to advance the development of a single project, which is out of scale with the adjacent neighborhoods to the north, east, and southwest. As stated in the petition, the lot area requirement and special site condition requirements limit the zone's implementation elsewhere within the Town of Haverstraw, which is explicitly characteristic of spot zoning. Even the name "OT-18" indicates that the proposed district is intended for a single site. Moreover, multifamily residences are allowed by right in the RG zoning district, which is immediately adjacent to and partially comprises the subject property. Although the bulk requirements in the RG zone are generally more stringent than the proposed district, the expansion of the RG zone to the subject property would also achieve the result of allowing a multifamily use, without the need to create a new district. Lastly, the proposed text amendment does not include any additional uses beyond multifamily dwellings, and would preclude any future development of the property without additional text amendments.

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The County would welcome a comprehensive analysis and plan for the inclusion of multifamily uses in additional, appropriate areas throughout the Town of Haverstraw. However, the proposed amendment does not reflect such an analysis and must be disapproved.

2 The revised plans provided for this review consist of a basic outline of the site and architectural plans and details of the proposed buildings. A full set of engineered plans must be provided in order to properly review and evaluate the proposal. Details regarding topography, landscaping, infrastructure, soil and erosion controls, traffic circulation, drainage, lighting and distance measurements must be included.

The following comments address our additional concerns about this proposal.

3 The Town must address all comments and concerns made by Atty. John S. Edwards on behalf of the Village of West Haverstraw in his letter of December 6, 2019.

4 A review shall be completed by the Rockland County Division of Environmental Resources and any comments or concerns addressed.

5 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of December 5, 2019.

6 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

7 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of July 31, 2019.

8 The applicant must comply with all comments made by the Rockland County Drainage Agency in their letter of August 19, 2019.

9 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 and accessibility, in the event an emergency arises.

10 A review must be completed by the Rockland County Department of Public Transportation for compatibility with the T.R.I.P.S paratransit service, and any concerns addressed.

11 There shall be no net increase in the peak rate of discharge from the site at all design points.

12 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.

13 The site plan must include map notes with district information and tax parcel identification numbers.

14 The transmittal letter from the Town of Haverstraw, dated November 20, 2019, has an incorrect tax parcel identification number for parcel 26.05-1-42. The letter must be corrected and the public hearing notice must be reviewed and, if it contains inaccurate information, re-issued.

15 The site plan must include parking details, including the location of handicap-accessible spaces and garbage enclosures.

16 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

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17 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.

18 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.

19 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.

20 Several of the indoor parking spaces are positioned flush against a wall and will be difficult for vehicles to maneuver in or out of them, or are located next to the entries/exits, creating potential conflicts with vehicles entering the structure and visibility/safety issues. Specifically, the four spaces adjacent to the entries/exits of Building B, the two spaces adjacent to the entry/exit of Building C, the two spaces adjacent to the terminus of Building C, the two spaces adjacent to the entry/exit of Building D, and the two spaces at the terminus of the Building D parking area must be relocated or provided with turn-around areas to allow ease of maneuvering and prevent conflicts with vehicles entering the structures.

21 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.

22 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 loss of available parking spaces meant to be used by residents.

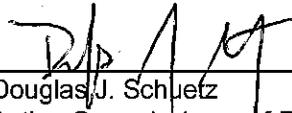
23 The proposed development will add an additional 174 dwelling units compared to the existing structures. The applicant must provide a traffic study to assess the impact on the nearby State Highway.

24 All signs shall be shown on the site plan and comply with the town's sign ordinance.

25 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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26 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Howard Phillips, Haverstraw  
Rockland County Drainage Agency  
New York State Department of Transportation  
Rockland County Department of Health  
Rockland County Department of Highways  
Rockland County Department of Public Transportation  
Rockland County Division of Environmental Resources  
Rockland County Office of Fire and Emergency Services  
Thiells/Roseville Fire District  
  
Poskanzer Skott Architects  
Village of West Haverstraw Planning Board

Rockland County Planning Board Members

*\*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.*