



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

November 7, 2013

ARLENE R. MILLER
Deputy Commissioner

Haverstraw Village Board
40 New Main Street
Haverstraw, NY 10927

Tax Data: 27.18-1-1.10 27.18-1-1.2

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

Map Date: 8/20/2013

Date Review Received: 10/21/2013

Item: HARBORS AT HAVERSTRAW (VH-65N)

Modifications to a previously approved multi-family housing complex, in the WPD zoning district on a total of approximately 23 acres, which includes all sites. Three actions are being proposed: 1) Zoning Code Amendment to shift the density from Site B to Site A - shifting 54 units to Site A that were originally included in the density for Site B - for a total of 544 units for Site A, and 196 units for Site B; 2) Subdivision of two lots that total 1.7506 acres, merging them into one lot on Site A; 3) Site plan review for Buildings A, 12, 13, 14, and 15 on a 1.7506 acre portion of Site A, which consists of a total of 7.22 acres, in the WPD district. Submitted with this application was a subdivision plat, architectural drawings and floor plans.

The overall site is located on the east side of West Street, south side of Dr. Girling Drive. The specific sites are located on the south side of Leeward Drive, east side of Round Pointe Drive, and east side of Riverfront Lane.

Reason for Referral:

Town of Haverstraw (at the Hudson River)

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 Town of Haverstraw is the reason this proposal was referred to this department for review. The municipal boundary is along the eastern boundary of the project site, at the Hudson River. 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

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

2 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

3 The subdivision plat submitted shows the changes to the two lots being reconfigured - lots 27.18-1-1.2 and 27.18-1-1.10. However, only a portion of the revised tax lot 27.18-1-1.2 is shown and highlighted, making the complete outline of the revised lot unclear. The tax parcel outline for both tax map 27.18-1-1.10 and the entire revised tax parcel 27.18-1-1.2 must be shown on the subdivision plat.

In addition, our tax records show that the last filed map, Map #8147, was filed with the County Clerk on July 21, 2011. This map, does not coincide with the lot configurations and lot numbers depicted on the subdivision plat provided. Map #8147 still shows that the waterfront parcels are part of tax lots 27.18-1-1.1 and 27.18-1-1.2, and have not been given new numbers - 27.18-1-1.13, 27.18-1-1.14, or 27.18-1-1.15. If a newer map has been filed with the County, then this map should be forwarded to our office, or the map # provided so that the County tax records can be updated. If no newer map has been filed, then the current subdivision plat must be corrected to reflect the correct tax parcels and numbers.

4 One of the plans submitted with this review included the architectural drawings. The garage level plans were submitted with these drawings. After reviewing the plan, we note that several of the parking spaces will be very difficult to maneuver into and out of given their proximity to a wall and no turning area to utilize. To exacerbate this issue, several of these spaces are tandem, so would require two vehicles to maneuver if the vehicle needed for use is parked first in the space. Parking spaces 21, 32, 70, 71, 82, 117, 140, and 141 are the spaces that will be especially difficult to maneuver out of to exit the parking garage. In addition, spaces 96 and 97 will be more difficult to maneuver out of due to the elevators and stairway directly behind them. The garage should be redesigned so that these parking spaces have a small turnaround area to use to help maneuver out of the spaces.

5 More detailed plans must be submitted that show the proposed landscaping and lighting for Building A. In addition, a layout of the proposed outdoor community space should be provided to show the amenities proposed.

6 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.

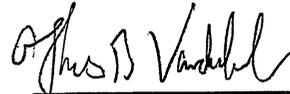
7 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

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8 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.

9 An updated review must be completed by Orange and Rockland Utilities. Any comments or concerns must be addressed.

10 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 Guidelines for Urban Erosion and Sediment Control.



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Mayor Michael Kohut, Haverstraw Village
Rockland County Drainage Agency
Rockland County Department of Health
Orange and Rockland Utilities
Tectonic Engineering & Surveying Consultants P.C.
Town of Haverstraw
Atzl, Scatassa & Zigler P.C.

**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.

