

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 5, 2017

Haverstraw Village Planning Board
40 New Main Street
Haverstraw, NY 10927

Tax Data: 27.05-2-1

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

Map Date: 11/18/2016

Date Review Received: 12/2/2016

Item: *HORNICK INDUSTRIAL PARK (fka BLUE BEVERAGE) (VH-17R)*

Amended site plan for a compactor containment area at the southeastern corner of an existing 187,500 sq. ft. multi-story building and warehouse located on 21.23 acres in the PI zoning district. East side of Samsondale Avenue/Broadway, opposite Picariello Drive and Archer Street

Reason for Referral:

Town of Haverstraw, Village of West Haverstraw, Minisceongo Creek, Federal wetlands

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 As indicated in the December 28, 2016 letter from the Rockland County Drainage Agency, the site is located within their jurisdiction, but no permits are required since minimal site disturbance is proposed. However, any future improvements of the site will require a determination from them.
- 2 The Floodplain Administrator for the Village of Haverstraw shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

HORNICK INDUSTRIAL PARK (fka BLUE BEVERAGE) (VH-17R)

3 The Town of Haverstraw and the Village of West Haverstraw are two of the reasons this proposal was referred to this department for review. The municipal boundaries for both communities are along the northern property line, along the Minisceongo Creek, both directly adjacent to the site. 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 Town of Haverstraw and the Village of West Haverstraw must be given the opportunity to review the amended site plan to ensure that there are no outstanding unresolved issues that may affect community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Michael Kohut, Haverstraw Village
Rockland County Drainage Agency
Rockland County Department of Health
United States Army Corps of Engineers

Atzl, Nasher & Zigler P.C.
Village of West Haverstraw
Town of Haverstraw

**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.