



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 14, 2018

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

Tax Data: 26.42-1-9	26.50-1-53	26.50-1-52
26.50-1-51	26.50-1-50	

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

Map Date: 2/27/2018

Date Review Received: 4/11/2018

Item: 217 NORTH ROUTE 9W - SELF STORAGE FACILITY (VH-143)

A site plan application to construct a four-story, 100,926 square foot self-storage facility on 1.71 acres in the HB zoning district. Variances are required for height, stories, and loading berths.

The northwestern corner of Stony Point Road (US Routes 9W and 202) and Gurnee Avenue.

Reason for Referral:

Village of West Haverstraw, Westside Avenue and Stony Point Road (US Routes 9W and 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:

****Recommend the following modifications***

- 1 At four stories and 42.9 feet in height, the proposed structure will require substantial variances. The proposed number of stories and height are 60% and 22.6% greater than the zoning district limits, respectively. In addition, the R-1 residential district is adjacent to the property to the west and across Gurnee Avenue to the south. Such a large, massive structure, which extends right up to the yard setbacks, will have a negative impact on the community character and viewshed for neighboring residents. The proposal must be scaled back to comply with the zoning district's height limit.
- 2 Since the property is located on a corner lot and the proposed structure will extend to near the edge of the building envelope, the village must confirm that there are no negative impacts to vehicle sightlines at the intersection.
- 3 A review shall be completed by the New York State Department of Transportation and all required permits obtained.

217 NORTH ROUTE 9W - SELF STORAGE FACILITY (VH-143)

4 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.

5 The Village of West Haverstraw is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 180 feet northwest of 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 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 considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 The proposed site plan incorporates the five separate parcels listed above. However, the cover sheet of the site plan also includes parcel 26.42-1-10. This lot is not incorporated into the proposed project. In addition, the application form lists only parcel 26.42-1-9 and no others. All materials must be consistent. The application form and the cover page must list the correct parcels. The public hearing notice must be reviewed and, if necessary, reissued.

7 This proposal occupies five separate lots that must be merged. The applicant must confirm that amended deeds are filed with the Rockland County Clerk and an updated tax parcel identification number is produced.

8 The proposed site plan must include the widths of Route 9W and Gurnee Avenue, indicate the designated street lines, and show the measurements of all setbacks from the designated street lines.

9 The site plan must show all metes and bounds for the property lines, and provide map notes with district information. In addition, the direction of the north arrows on drawings C2 through C6 are not consistent with the north arrows on drawing C1 and appear to be incorrect. The north arrows must be corrected.

10 Architectural plans by Remus Architecture dated February 27, 2018 indicate an entry on the second floor, adjacent to the loading berths. This entry must be shown on the site plan. In addition, this entry must provide regular access to the facility for trucks using the loading berths. Providing access to the facility at this location will prevent trucks from parking illegally at the main entrance, which would limit maneuverability and access for other vehicles.

11 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

12 The interior accessway that leads to the truck berth area has a very steep grade. An exact roadway grade must be provided. In addition, there is limited room to maneuver a delivery truck into the truck berths. A truck turnaround analysis must be provided that shows there is sufficient room to maneuver and the village must confirm that proposed grade does not pose a safety hazard.

217 NORTH ROUTE 9W - SELF STORAGE FACILITY (VH-143)

- 13 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.
- 14 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 15 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.
- 16 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.
- 17 The applicant must supplement the landscaping along the western property line to provide additional screening to the adjacent residential properties. In addition, a berm or low evergreen shrubs must be provided in front of the two west-facing parking spaces next to the building to shield the headlights of the vehicles parked there.
- 18 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 19 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 20 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 customers
- 21 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.
- 22 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.

217 NORTH ROUTE 9W - SELF STORAGE FACILITY (VH-143)

23 The following additional comments are offered strictly as suggestions or observations and are not part of our required General Municipal Law (GML) review. The Board may have already addressed these points or may disregard them without any formal vote required under the GML process.

This project is being considered a wholesaling, warehousing and distribution business, which is a use permitted by right in the HB zoning district. Although the county has no objection to self-storage facilities in this zoning district, we recommend the village distinguish between facilities of this type and traditional commercial warehouses. These uses have distinctly different business models with separate sets of land use impacts and challenges. For example, having a parking requirement based on the number of employees results in a requirement of only one parking space for this proposal. Self-storage facilities are, by design, minimally staffed and will continue to require fewer spaces than necessary. Similarly, the large number of truck loading berths that are required by village regulations will not be used by the majority of the customers of a self-storage facility. The county recommends that self-storage facilities be established as a separate use, with standards and bulk requirements for this use.

Arlene Miller
for Douglas J. Schuetz
Deputy Acting Commissioner of Planning

cc: Mayor Michael Kohut, Haverstraw Village
New York State Department of Transportation
Rockland County Department of Health

Stonefield Engineering & Design
Village of West 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.