

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
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July 11, 2018

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

Tax Data: 27.05-2-1.1

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

Map Date: 5/1/2018

Date Review Received: 6/12/2018

Item: *VILLAGE OF HAVERSTRAW DPW FACILITY (VH-17S)*

A site plan application to construct a DPW facility for the Village of Haverstraw on 2.46 acres in the PI zoning district. Variances are required for side yard.

The southern side of Bowline Plant Drive, approximately 690 feet west of McKenzie Avenue.

Reason for Referral:

Minisceongo Creek, Town of Haverstaw, Village of West Haverstraw

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 County has concerns regarding the placement of this facility within a floodplain. The engineer of record shall certify to the floodplain administrator for the Village of Haverstraw that the proposed construction is in compliance with the floodplain regulations of the Village found in Chapter 141, Flood Damage Prevention, and, in particular with Article IV, Construction Standards, and the Federal Emergency Management Agency. In addition, outdoor storage of materials that become buoyant or can cause health and safety hazards during flooding must be prohibited. Storage of bulk materials, such as road salt, must use elevated or otherwise flood-proofed structures to avoid runoff into the country stream in the event of flooding.

2 The significance of the dark line in the northeastern section of the property is not clear and must be labelled. In addition, the wetlands and floodplain boundaries must be more clearly delineated.

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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 boundary with the Town of Haverstraw is adjacent to the northern property line of the parcel, and the boundary with the Village of West Haverstraw is approximately 210 feet to the west of the parcel. 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 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 either of the municipalities must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

4 As per the June 26, 2018 letter from the Rockland County Drainage Agency, an application must be made to them for any development on the site.

5 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.

6 The applicant must provide as-built drawings and other documentation to New York State Department of Environmental Conservation, Region 3, that illustrate the design and installation of the petroleum bulk storage tanks, as per code. These tanks must also be registered with them.

7 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.

8 A landscaping plan shall be provided which has low evergreen landscaping to block the headlights of parked cars from shining into the roadway.

9 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.

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

11 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.

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12 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.

13 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.

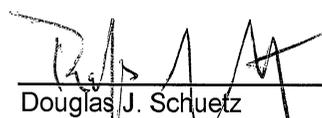
14 The site plan shall contain map notes, including district information. The site plan has two north arrows. The incorrect arrow must be removed. The vicinity map must have a north arrow.

15 If there is any disturbance of Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

16 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).

17 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.

18 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: Mayor Michael Kohut, Haverstraw Village
Rockland County Department of Health
Rockland County Drainage Agency
New York State Department of Environmental Conservation
United States Army Corps of Engineers

Engineering & Surveying Properties
Town of Haverstraw
Village of West Haverstraw

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**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.