



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax. (845) 364-3435

C. SCOTT VANDERHOEF  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

January 25, 2012

ARLENE R. MILLER  
Deputy Commissioner

Stony Point Planning Board  
74 East Main Street  
Stony Point, NY 10980

**Tax Data:** 20.02-11-25

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

**Map Date:** 1/3/2012

**Date Review Received:** 1/10/2012

**Item:** *GOOD LUCK AUTO, HUDSON RIVER VIEW INDUSTRIAL PARK, 50 HOLT DRIVE (SP-790)*

Site plan to place a new tenant, Good Luck Auto, at an existing industrial facility on 12.35 acres in a Light Industrial (LI) zoning district. Vacant warehouse, office and manufacturing plant space are existing at the site, which was formerly used by the Insl-X Products Corporation. The proposed use is a business that recycles motor car parts. The site plan approval request is limited to use of Building B in Phase 1 and use of the paved parking area in Phase 2.

East side of the CSX Railroad right-of-way, approximately 30 feet north of the Town of Haverstraw townline

**Reason for Referral:**

Village of West Haverstraw, Town of Haverstraw, Cedar Pond Brook, Stony Point Marsh County Park

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 It is our understanding that the at-grade crossing is proposed as the main access to the site. We are concerned about safety issues that would develop with any increased traffic, especially truck traffic, across this crossing. This crossing currently does not have any warning devices except railroad cross buck signs. This crossing should be upgraded to include railroad gates and railroad signals. If these improvements are not made, the Planning Department recommends closing this crossing, except to emergency vehicles.

2 A review should be completed by CSX Transportation, Inc. and any concerns addressed.

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3 It is our understanding that no improvements are proposed to the railroad underpass crossing. On August 16, 2010, when this Department reviewed a proposal by KBT Properties for use of the parcel to the east of the subject property, certain improvements were proposed for the railroad underpass, which this Department endorsed. The recommended upgrades included: (1) posting of clearance height signs, (2) repaving and upgrading of the pavement section to eliminate current drainage problems and to support the anticipated vehicle trips and (3) installing a traffic signal (two phase operation) with signal heads located on either side of the underpass and supplemental signage indicating "wait for green signal" on both approaches. We continue to recommend these modifications to the railroad underpass crossing. The site and construction plan details must show any improvements to be provided and documentation must be provided to the Town indicating that these have been reviewed and approved by the CSX Transportation company.

4 In order to minimize truck traffic over the CSX railroad right-of-way, we recommend that consideration be given to installing a railroad spur so that the rail line can be used to bring in vehicles to be recycled and carry away parts assembled for recycling.

5 The 30' Easement for Ingress and Egress, noted on the northern part of the site and that leads to the at-grade rail crossing, should be described in notes on the plan to specify where the easement is recorded and to identify the properties that have access to it.

6 A review shall be completed by the Stony Point fire district and any concerns addressed.

7 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 for the Town of Haverstraw lies 30 feet to the south of the subject property and the municipal boundary for the Village of West Haverstraw lies approximately 95 feet to the southwest of the subject property. 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 recently 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, storm water runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Haverstraw and/or the Village of West Haverstraw must be considered and satisfactorily addressed, as well as any additional concerns about the site plan.

8 Since the Stony Point Marsh County Park abuts the subject property on its northeastern boundary, a review shall be completed by the Rockland County Division of Environmental Resources and any concerns addressed.

9 Since it appears that there may be land owned by the Palisades Interstate Park Commission abutting the subject property on its southern boundary, a review shall be completed by the Palisades Interstate Park Commission and any concerns addressed.

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- 10 As indicated in the December 1, 2011 letter from the Rockland County Drainage Agency, a permit will be required from this agency.
- 11 Lighting for the site should be shown and verification should be provided that there will be no glare onto adjacent properties.
- 12 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.
- 13 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process.
- 13.01 In order to make the site more aesthetically attractive, supplemental landscaping should be considered.



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

cc: Supervisor Geoffrey Finn, Stony Point  
CSX Transportation, Inc.  
Rockland County Drainage Agency  
United Water of New York  
New York State Department of Environmental Conservation  
United States Army Corps of Engineers  
Rockland County Division of Environmental Resources  
Village of West Haverstraw  
Town of Haverstraw  
Atzl, Scatassa & Zigler P.C.  
Stony Point Sewer District  
Stony Point Fire District

*\*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.*

