



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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July 2, 2014

Stony Point Zoning Board of Appeals
74 East Main Street
Stony Point, NY 10980

Tax Data: 20.04-11-6

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

Map Date: 5/2/2014

Date Review Received: 5/12/2014

Item: *BHS ASSOCIATES (SP-799C)*

Use variance to allow a school for children with autism and related disabilities on a parcel located in the LI zoning district on 2.0 acres.

South side of Holt Drive, approximately 1,040 feet east of US Routes 9W/202

Reason for Referral:

Town of Haverstraw and 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***

The attorney for the applicant contacted this office regarding our review dated June 12, 2014. The main reason for his telephone call was to discuss comments #2, 3, and 4, which he felt were site plan issues, and not something that had to be proven for the use variance application. While we agree that they are site plan issues, we felt that the applicant must ensure that these three issues could be accomplished in order to have the use variance granted. We are modifying our review to allow the use variance to proceed prior to demonstrating that these three issues can be met; however the use variance must be contingent that these three issues have been met during the site review process. If these conditions cannot be met during the site plan review process, then the use variance must be rescinded.

This review supercedes our previous review dated June 12, 2014.

BHS ASSOCIATES (SP-799C)

1 The Town of Haverstraw and the Village of West Haverstraw are the reasons this proposal was referred to this department for review. The municipal boundary for the Town of Haverstraw is directly south of the site, and the boundary for the Village of West Haverstraw is approximately 136 feet east of the southern boundary for 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 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 these municipalities must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 The applicant must demonstrate, during site plan review, that the following three conditions can be met. If these issues cannot be provided, then the use variance must be rescinded, as these items are critical for a school use.

2.1 An outdoor play area of approximately 1,000 sq. ft. is required in order to meet state regulations. The site plan does not depict the location of this play area, for either the existing plan or the proposed plan showing the reserved parking area. Before the Town grants this use variance, the applicant must demonstrate that BOTH the reserved parking and the play area can be located on the site.

2.2 The applicant is showing only 17 parking spaces on the site plan. The remaining 55 parking spaces, or 76% of the required parking, are to be provided as reserve parking. Given the number of teachers and professional staff proposed for the school, providing only 17 parking spaces seems deficient. The applicant will need to get a waiver or a variance for the parking.

2.3 There is only one access to the lot, which will be used for both bus traffic and staff parking. This access aisle is only 26' wide, and will have the potential for conflicts and create safety hazards. In addition, it is also anticipated that parents will be dropping children off at the school, increasing the traffic flow and potential conflicts within this confined area.

The traffic circulation pattern must be designated on the map, so that the potential for conflicts is reduced. Signage must be provided as well. Areas specifically designated for parent drop-off/pick-up must also be designated. Lastly, the southernmost parking space could be a conflict point with the bus drop-off area, as it extends into the striped bus stop area. This parking space will make it difficult for buses to turn to exit the site, and must be removed/relocated. Maneuverability of the buses must be demonstrated on the site plan with turning radii movements. These access and parking lot safety issues must be resolved before the use variance is approved.

BHS ASSOCIATES (SP-799C)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Geoffrey Finn, Stony Point

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

