



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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December 18, 2014

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

Tax Data: 19.02-1-1.2 19.02-1-3

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

Map Date: 11/14/2014

Date Review Received: 11/19/2014

Item: TOWN OF STONY POINT - LETCHWORTH VILLAGE OVERLAY DISTRICT (SP-814)

Zoning Code Amendments to create a new overlay district, "Letchworth Village Redevelopment Incentive Overlay District (LW-RIO)," to allow "incentive uses" at property on the old Letchworth Village site, which is currently in the SR-R zoning district. New uses to be allowed in the overlay district include hotels/spas/conference centers, large outdoor specialty retail stores, private recreational uses, Parkway gasoline filling stations, medical offices/surgical centers, sit-down restaurants, neighborhood retail, and film production studios.

North side of Willow Grove Road, east and west sides of Patriot Hills Drive, south side of Fernald Road

Reason for Referral:

Palisades Interstate Parkway, Town of Haverstraw, Minisceongo Creek, Letchworth Village, Willow Grove Road (CR 98)

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:

- 1 A review must be completed by the County of Rockland Department of Highways and any comments or concerns addressed.
- 2 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 3 A review must be completed by the County of Rockland Drainage Agency and any comments or concerns addressed.

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4 The Town of Haverstraw is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Willow Grove Road, 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 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 Town of Haverstraw must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 No minimum standards are provided for lot area for the proposed allowable uses in the overlay zone. As this overlay district is only comprised of two large parcels, it is reasonable to expect a subdivision to occur to allow multiple uses on the site. A minimum lot area standard must be provided.

6 Section 215-142 F. refers to provisions that will not be applicable in the LV-RIO Overlay Zone. Section 215-142F.(5) specifically lists off-street loading berths in Section 215-21 of the Town of Stony Point Zoning Ordinance. This is the incorrect section number. This must be corrected to Section 215-41.

7 Section 215-142F.(2) indicates that Section 215-18 - Restrictions on lot development in SR-R and RR Districts not be applicable. This section helps to protect viewsheds and steep slopes in the Town. Given that this site does contain steep slopes, which slope downwards towards Willow Grove Road, a County highway and the Minisceongo Creek, a County stream, this section of the zoning ordinance must still be retained to avoid erosion and sedimentation issues.

8 Section 215-142F.(2) also proposes to eliminate the viewshed protection zone requirements under Section 215-18 of the zoning ordinance within this proposed overlay zone. It is not clear if this site is within this zone. However, given the scenic value of the area, especially as seen from the Palisades Interstate Parkway, an historic and scenic byway, the provisions of this section of the zoning ordinance should remain intact. Maintaining as many trees as possible, constructing the buildings in relative lower topography and of natural color schemes, maintaining lower roof lines, requiring post-construction sketches, and disallowing retaining walls over five feet in height all seem to be reasonable regulations. We advise against removing these provisions from the requirements for the LV-RIO Overlay District.

9 Section 215-142F.(6) is proposing to eliminate the requirements for freshwater wetlands for the LV-RIO Overlay Zone. The only freshwater wetland on site is located in the southeastern corner of the parcel by the existing pond. As this is a NYS Department of Environmental Conservation jurisdictional wetland, it is not clear as to why this section of the code is proposed to become not applicable. To protect the existing wetland from encroachment, disturbance, sedimentation or erosion, this section of the zoning ordinance must still be applicable.

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10 Many of the proposed uses are being permitted to be 45 feet; hotels are being permitted to be six stories. We are concerned with the visual impact of these heights to the Palisades Interstate Parkway, a scenic byway. In addition to the height allowance, many of the uses require a minimum size of 50,000 square feet. The future buildings will be large block buildings, which will have a significant visual impact to the surrounding area. Additional requirements must be put in place, such as is done for visibility to Willow Grove Road, for the Palisades Interstate Parkway. In addition, landscaped screening must also be required to help minimize any visual impacts to this roadway.

11 A minimum square footage is provided for the floor area for retail sales and medical offices. This is also the case for gasoline filling stations. Is there a maximum square footage as well? This should be clarified.

12 Section 215-144 provides other requirements applicable to site development for the proposed overlay zone. The section that discusses Directory Sign Fee states fees based on sign size. This section, or another section of the overlay zone, should state the minimum distance permitted for placement of the directory signs to ensure that the signage does not interfere with sight distance along the County highway.

13 A portion of the area that will permit the overlay zone is located within the existing golf course boundaries (holes 15-17). If this overlay zone is placed over this area, will new golf holes be created elsewhere on the site? This must be clarified.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Geoffrey Finn, Stony Point
Palisades Interstate Park Commission
Rockland County Drainage Agency
New York State Office of Mental Health
Rockland County Department of Highways
New York State Department of Environmental Conservation
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.

