

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

March 2, 2016

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

Tax Data: 20.11-2-21

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

Map Date: 12/8/1995

Date Review Received: 2/2/2016

Item: *HOMESTEAD HARDWARE (SP-822A)*

Site plan for the proposed expansion of an existing retail business by allowing the storage of U-Haul vehicles on the premises for patrons to rent. The parcel is located in the BU zoning district on .168 acres.

West side of US Routes 9W/202, approximately 310 feet north of Washburns Lane

Reason for Referral:

US Routes 9W/202, Washburns Lane

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:

****Disapprove***

We are concerned with the impact to the State highway that will result from parking the rental trucks on this constrained site. In our previous review dated January 19, 2016, it was noted in the application that only ONE rental truck was proposed to be stored on site. Even with only one truck to be stored on the site, we raised concerns regarding the provision of sufficient parking given the site's frontage on a heavily traveled State highway.

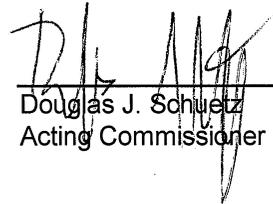
The narrative submitted with this application provides very vague descriptions about the proposal, and seems to waiver from the zoning board of appeals application. It is impossible to determine, from the material that was submitted, the maximum number of trucks that are proposed to be stored on site, the size of the trucks, and where they will be stored. To state that "the majority of U-Haul vehicles...under fifteen feet in length..." or that the "number of vehicles present will be kept to a minimum at all times," or that the trucks would be "temporarily parked for minimal periods of time never exceeding a few days" is not sufficient information to do a proper evaluation of the site. In order to do an analysis of whether the site can accommodate these U-Haul trucks, the specifics about the type and maximum number of trucks must be provided.

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In addition, in our previous review we requested that the site plan delineate all of the parking spaces, and illustrate specifically where the truck(s) will be parked. A parking calculation with the required number of parking spaces, as well as the proposed parking configuration must be provided. The basic site plan has not changed since the last submission, and has only had two yellow highlighted areas added, which illustrate the general vicinity of truck parking. This does not provide a clear illustration as to where the trucks could park, whether there is sufficient room on the site to accommodate both the required parking for the patrons, as well as the storage of the U-Haul trucks, or if there is sufficient maneuverability on site for the trucks. It is also unclear as to where materials are unloaded for the hardware store supplies. In addition, aerial photography dated between 2000 and 2013 consistently shows that there are crates and other items stored in the back of the building, where it is proposed to park truck(s). Lastly, with the intensification of the site, access for fire or emergency vehicles will be compromised.

Since the site is located directly on the State highway, it is imperative that vehicles do not have to back out into the right-of-way. The right-of-way for the State highway is deceiving, as it encompasses almost two-thirds of the paved area in front of the building. Increasing the intensity of this constrained site by allowing truck rental parking will result in an overutilization of the site.

Until such time as the applicant has proven that a parking layout for the site that can accommodate adequate parking for both the patrons and the rental trucks, provide sufficient fire and emergency access, designate an unloading area that is not in conflict with rental truck parking, and illustrate that sufficient turning maneuverability can be achieved, this site plan must be disapproved.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point
New York State Department of Transportation
Rockland County Department of Highways
Atzl, Nasher & Zigler P.C.

Rockland County Planning Board Members

**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.