Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 23, 2016

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

Tax Data: 20.04-11-7

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/9/2016 **Date Review Received:** 6/6/2016

Item: ***VESTCO (SP-550C)***

Site plan for the proposed redevelopment of an existing warehouse that is 12,120 sq. ft. into a retail mini-warehouse and contractor storage that totals 28,140 sq. ft. The site is located on 1.99 acres in the LI-2 zoning district. The contractor storage area is proposed along the western and southern portions of the site.

South side of Holt Drive, approximately 817 feet east of US Routes 9W/202

Reason for Referral:

Town of Haverstraw, 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 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 along the southern property line of the site; and the Village of West Haverstraw boundary is approximately 215 feet east of the southern property line. 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

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goals and objectives of the general area.

In a letter dated March 25, 2016, the Village of West Haverstraw raised several concerns with regard to the proposed mini-warehouse and contractor storage area. Changes have been made by the applicant to help meet some of these concerns. The Town of Haverstraw and the Village of West Haverstraw must be given the opportunity to review the updated proposal and determine if their concerns have been met. Any additional comments or concerns must be satisfactorily addressed.

2 As indicated in the June 9, 2016 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.

3 Some of the concerns raised by the Village of West Haverstraw pertain to the visual and audible impacts of the proposal on the adjacent properties, particularly as they pertain the adjacent elementary school, and the residential developments. The contractor storage area has been moved farther away from the southern property boundary, and a four-foot retaining wall and some bushes have been proposed. This will help to lessen the impact to the surrounding neighborhood. However, to further lessen the visual and noise impacts to the school and residential areas, additional landscaping, such as evergreen trees, should be added to the plans.

4 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.

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

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point
Rockland County Department of Health

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.

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.