

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 22, 2017

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

Tax Data: 19.02-4-28

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

Map Date: 1/3/2017

Date Review Received: 1/25/2017

Item: *DUNKIN DONUTS/MINI MART AT WILLOW GROVE ROAD (SP-827)*

Site plan for a proposed 2,190 sq. ft. expansion to an existing building, for a total of 3,600 sq. ft., for a parcel located on .886 acres in the RR zoning district. Other improvements to the site include drainage, curbing, an expanded, reconfigured parking lot, and a change in the access to the site.

North side of Willow Grove Road, east side of Algonquin Drive

Reason for Referral:

Willow Grove Road (CR 98), Town of 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 A review must be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.
- 2 The comments in the January 31, 2017 letter from the Rockland County Department of Health must be met.
- 3 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 4 The bulk table lists measurements for yard depths that are not indicated on the site plan (front yard, side yard, and rear yard depth). In addition, several of the measurements listed in the table do not match the distances provided on the plans (lot width, side setback, street frontage). These measurements must be provided on the plan and the discrepancies resolved.

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5 The bulk table must indicate the bulk requirements that do not meet the town standards. It appears that variances are needed for front yard depth, side yard depth, and development coverage. An asterisk, or some other symbol, must be used to illustrate the need for variances for these standards.

6 The Town of Haverstraw is one of the reasons this proposal was referred to this department for review. The municipal boundary is south of the site, varying in distance from the site from 115 feet to 165 feet. 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.

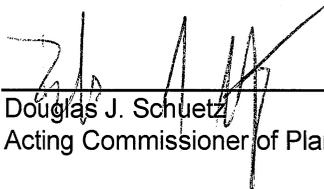
7 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

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

9 We note that the applicant has shown that brick pavers will be used for the service drive. To further reduce the development coverage ratio, additional pervious pavers must be used where possible throughout the site, including in the parking area.

10 The existing, and any proposed signage, must conform to the Town's sign standards. Any additional signage must be shown on the plans.

11 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.



Douglas J. Schuetz
Acting Commissioner of Planning

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

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

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**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.

