

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

June 22, 2017

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

**Tax Data:** 20.04-11-8

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

**Map Date:** 5/30/2017

**Date Review Received:** 6/6/2017

**Item:** *NINE HOLT (SP-828)*

Site plan for the proposed demolition of an existing 8,000 sq. ft. warehouse, removal of 16 parking spaces and two docks; construction of a new 29,400 sq. ft. warehouse/manufacturing/office with 40 new parking spaces and four truck docks. This site is located on 1.9 acres in the LI-2 zoning district. South side of Holt Drive; 620 feet east of US Routes 9W/202

**Reason for Referral:**

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 The Town of Haverstraw is the reason this proposal was referred to this department for review. The municipal boundary is along the southern property line of 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

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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.

- 2 As indicated in the June 13, 2017 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 Forty-two parking spaces are proposed on the site, for a proposal that only requires 30 spaces. It must be indicated why there is a need to provide 40% more parking spaces than what is required.
- 4 The office area should be highlighted on the site plan, as was done for the commercial retail section.
- 5 Map Note #10 must be revised to be Section 239 L & M, as Section 239N refers only to subdivisions.
- 6 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.
- 7 All signs shall be shown on the site plan and comply with the town's sign ordinance.
- 8 The dumpster pad is located to the rear of the property, nearest the residential area and school in the adjacent municipality. To help alleviate the noise associated with garbage collection, the dumpster should be moved further from the municipal boundary.
- 8 A landscaping plan that meets all Town requirements shall be provided. This landscaping plan must include evergreen plantings area along the southern property line to help buffer the warehouse/manufacturing use from the adjacent residences and school.
- 9 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.
- 10 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 11 The following are comments regarding the Full Environmental Assessment Form: 1) On Page 3 of 13, C.3.b. needs to be answered; 2) the town should re-evaluate the answer for question D.2.r., page 8 of 13, especially since the existing building will be razed and the construction materials will have to be removed and disposed of properly; E.1.a. should include school as an adjoining land use; and E.2.c. on page 11 of 13 needs to be completed.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point  
Rockland County Department of Health  
Rockland County Drainage Agency  
  
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.*

