



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 21, 2019

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

Tax Data: 20.02-11-7.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/26/2019

Date Review Received: 9/9/2019

Item: *BA MAR MANUFACTURED HOME PARK (SP-354P)*

A site plan application to rebuild and reconfigure an existing 152-unit manufactured home park with a new 140-unit manufactured home park with 320 parking spaces and an office building on 22.81 (gross) acres in the MHC zoning district. Variances for lot width and street frontage are required for 127 of the proposed new units, and front setback variances are required for four units.

The southern side of East Main Street, opposite Beach Road, and the eastern side of the Conrail right-of-way.

Reason for Referral:

Grassy Point Road/East Main Street (CR 108), Beach Road (CR 110), Cedar Pond Brook, Stony Point Marsh County Park

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 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. 127 of the 138 proposed new units require variances for lot width and street frontage. Four units will require variances for the front setback. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development.

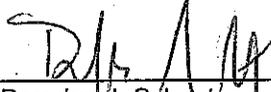
2 A updated review must be completed by the County of Rockland Department of Health and all required permits obtained from them. In addition, the applicant must comply with all comments made by them in their letter of March 11, 2019.

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- 3 An updated review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed. In addition, the applicant must comply with all comments made by them in their letter of March 4, 2019.
- 4 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.
- 5 A review shall be completed by the New York State Department of Environmental Conservation and any required permits obtained.
- 6 As per the March 19, 2019 letter from the Rockland County Drainage Agency, a copy of the New York State Department of Environmental Conservation Freshwater Wetland permit or a written determination otherwise must be forwarded to them.
- 7 A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
- 8 The designated floodplain administrator for the Town of Stony Point shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
- 9 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Stony Point Fire Inspector, or the Stony Point Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 10 A review must be completed by Orange and Rockland Utilities and their comments considered.
- 11 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- 12 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 13 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 14 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- 15 Any ingress/egress easements for tax parcel 20.02-22-9 (1-2 Ba Mar Drive) must be indicated on the site plan.
- 16 The provided site plan indicates a total of 140 units are provided. The application review form indicates that the reconfigured manufactured home park will have 141 dwelling units. In addition, the August 2, 2019 letter from Brooker Engineering indicates that the number of units has been reduced to 138. All materials must be consistent. The application review form and letter must be corrected.
- 17 The bulk table indicates that the proposed development coverage will be 30.8%. However, calculation provided indicates the development coverage will be 33.220%. All materials must be consistent. The correct figure must be determined and the incorrect figure must be corrected.
- 18 The bulk table gives the required floor area ratio as a decimal and the provided floor area ratio as a percentage. All data must be presented in a consistent manner. Since the Town's bulk requirement for floor area ratio is expressed as a decimal, the proposed floor area ratio must be amended to be expressed as a decimal.

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- 19 There must be no units or disturbances within the NYSDEC wetlands or the 100' adjacent area.
- 20 The proposed snow storage areas at the southeastern corner of Road C and the southeastern corner of the emergency access driveway have trees proposed within them. Five of the ten parking spaces at the northern end of the site are proposed to be used as snow storage. Snow storage areas must be located so that snow will not damage landscaping or prevent the use of required parking spaces.
- 21 Three areas along Road C on the western side of the site have the symbols for snow storage areas, but are labelled as "proposed mail box." The symbols and labels must match. The labels must be corrected.
- 22 Either parking for the recreation/playground area, or sidewalks connecting these amenities to all of the housing units, must be provided.
- 23 The Rockland County Drainage Agency and Rockland County Highway Department must be added to the list of required approvals on page 1-2 of the Environmental Assessment Form.
- 24 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 25 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 26 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

- cc: Supervisor Jim Monaghan, Stony Point
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Division of Environmental Resources
New York State Department of Environmental Conservation
Federal Emergency Management Agency
United States Army Corps of Engineers
Orange and Rockland Utilities
Rockland County Office of Fire and Emergency Services
Stony Point Fire District
Brooker Engineering, PLLC

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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.