

BAY VIEW PARK - POWER HOUSE DANCE CENTER (SP-613T)

2 The Town must clarify its categorization of the proposed uses. The Town may consider the proposed uses to be Indoor Commercial Recreation establishments. These are permitted by right in the LI-2 zoning district, however they are subject to the bulk requirements of Use Group F. The bulk table on the site plan lists the requirements for Use Group I. In addition, the Indoor Commercial Recreation parking requirement mandates a determination of the highest design hour by the Planning Board. The dance studio may be considered a vocational or trade school. Such establishments are allowed in the LI-2 zoning district as Conditional Uses, and are not permitted by right.

Alternatively, the Table of General Use Requirements for the BU zoning district includes Use 11 - Health, tennis, racquetball, sport, swim, dance, martial arts and other athletic or fitness club open to the general public on a membership basis and primarily intended to promote the health of members where all activities take place indoors. This use is not permitted by right, Conditional Use permit, or Special Use permit in the LI-2 zoning district. If one or both of the proposed uses fall into this category, then a use variance is required to allow them.

The Town must determine the appropriate use categories for the proposal. The applicant must provide interior floor plans and a narrative of the proposed uses in order for the Town to make its determination. If the proposed uses are Indoor Commercial Recreation establishments, the bulk table must be amended to include Use Group F and a parking requirement must be determined. If the dance studio is a vocational or trade school, then a Conditional Use application must be made and forwarded to this department for review. If the proposed uses fall into the description listed in the previous paragraph (health/dance club), then a Use Variance application must be made to the Board of Appeals and forwarded to this department for review.

3 Once the Town has made the necessary determination described in the previous comment, the parking calculation on the site plan must be amended to include the existing and proposed parking requirements for all uses on site. There must be sufficient parking available for all uses.

4 The Town of Haverstraw and the Village of West Haverstraw are two of the reasons this proposal was referred to this department for review. Both municipal boundaries are approximately 490 feet south of the subject property. As required under Section 239nn of the State General Municipal Law, these municipalities must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Stony Point.

5 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.

6 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 Drainage Agency

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

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Village of West Haverstraw Planning Board

**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.

