

TOWN OF STONY POINT - PATRIOT HILLS REDEVELOPMENT INCENTIVE OVERLAY (SP-814C)

4 Hotels are limited to six stories, but no height limit is expressed in feet. This could result in inappropriately large structures. All uses must have a height limit that is expressed in feet.

5 Although the existing Letchworth Village - Redevelopment Incentive Overlay District does not incorporate Floor Area Ratios (FAR) into its bulk requirements, it is the County's position that the establishment of maximum FARs is an appropriate and necessary step to prevent the creation of inappropriately massive structures that will impact local environmental and scenic resources. Similarly, the development coverage requirements of the LV-RIO district, which are 60% for Film Production and 80% for all other uses, are proposed to remain unchanged. The proposed overlay district is characterized by high ratios of open, undeveloped space and large, multi-acre parcels. The proposed development coverage limits would allow an excessive amount of impermeable surfaces and a development density that is inappropriate for the area. The Town must reduce the maximum development coverage limit and establish FAR requirements that will preserve the environmental and scenic resources of the area.

6 As previously mentioned, the Palisades Interstate Parkway is designated as a National Landmark by the National Park Service and a New York State Scenic Byway. The Parkway is also located at a higher elevation than the area of the proposed Overlay District. In order to preserve the viewshed and scenic value of the parkway, the amendment must include suitable height, coverage, and FAR requirements to prevent inappropriate massing of buildings. In addition, the Town must be cognizant of the impact of rooftop features and materials as seen from the higher perspective of the parkway. Substantial projects before the Town Planning Board must include a 3-D model of the proposal in order to fully assess the potential visual impact on the surrounding areas.

7 Section 215-142.G allows the height of a structure to be measured from elevation of the first floor immediately over a parking area at or below ground level within the structure. This allowance will add an uncertain amount of allowed height to a structure. It also encourages the use of valuable ground level space for parking, a use that detracts from the aesthetics and pedestrian-friendliness of a development. Ground floor uses such as retail, restaurants, or a plaza, can help activate and enhance the aesthetics of a space. This height allowance must be eliminated. If the Town wishes to incentivize below-grade parking structures, which may help reduce the amount of surface parking required, the Town should consider a height bonus for structures that incorporate them. This maintains height limits to a specific and known quantity, reduces surface parking, and allows for more productive use of ground floor space.

8 According to our calculations, the maximum height for Assisted Living Facilities of 55 feet or three stories results in a ratio of over 18 feet per story. This ratio exceeds general standards for the height of a story and must be reduced.

9 The freshwater wetlands and stream protection requirements found in sections 215-72 and 215-72.1 must still be applicable to all proposals in the overlay district.

10 The proposed text amendment must include restrictions for outdoor lighting for all incentive uses, particularly for outdoor recreation facilities, due to the potential impact on nearby county roads and the Palisades Interstate Parkway. These restrictions must include criteria for intensity, the height of fixtures, and hours of operation.

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11 The Town of Haverstraw is one of the reasons this proposal was referred to this department for review. The municipal boundary is within the Willow Grove Road right-of-way, along the southern boundary of the overlay district. 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.

12 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

13 A review must be completed by the County of Rockland Drainage Agency and any comments or concerns addressed.

14 A review must be completed by the Rockland County Highway Department and any comments or concerns addressed.

15 The boundaries of the Patriot Hills Redevelopment Incentive Overlay must be officially established and adopted into the Town of Stony Point zoning map. The proposed text amendment must be accompanied by an amendment to the zoning map.

16 This updated version of the text amendment was not accompanied by a map of the district. Presumably, the map provided with the earlier version is still the map being considered presently. Regarding that map, the boundaries of the proposed overlay district are displayed on an aerial photo and only partially adhere to existing lot lines or rights-of-way. A more accurate map that includes metes and bounds of the overlay district must be provided.

17 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process.

It has come to our attention that the Town is considering the sale and private development of public land within the Overlay District. The protection and maintenance of parkland is considered a high public priority, which is the reason why alienation of parkland must be approved by the state and is subject to an increased level of scrutiny. The conversion and development of public parklands results in a reduction of public assets and utility. A public resource, which has been supported by tax dollars and provides benefits to the community and its residents, should not to be placed in the hands of private developers. This type of action must only be undertaken after careful consideration of the resulting impact on the public and the environment.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point
Palisades Interstate Park Commission

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Rockland County Department of Highways
Rockland County Drainage Agency
Town of Haverstraw Planning Board
New York State Office of General Services

**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.