

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

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

**Arlene Miller**  
*Deputy Commissioner*

May 22, 2020

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:** 4/21/2020

**Date Review Received:** 5/8/2020

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

A site plan and conditional use application to remove an existing 8,000 sq. ft. warehouse and replace it with a 27,475 sq. ft. mixed use building, with 44 proposed and 9 reserved parking spaces, and two loading docks, on 1.93 acres in the LI-2 zoning district. Proposed uses are Local Convenience Commercial and Warehouse.

The southern side of Holt Drive, approximately 590 feet east of South Liberty Drive (US Routes 9W and 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 sewer service. The areas of countywide concern noted above that directly impact the Town of Haverstraw must be considered and

## **NINE HOLT (SP-828E)**

satisfactorily addressed, as well as any additional concerns about the proposal.

2 An updated review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

3 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.

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

5 The bulk table provides the requirements for Use Group B, which is the use group for Local Convenience Commercial uses. However, the bulk requirements for Warehousing in the LI-2 zoning district fall under Use Group I. Use Group I is more restrictive than Use Group B and a majority of the floor area of the building is used for warehousing. The bulk table must be amended to also include the requirements of Use Group I. The more restrictive use group bulk requirements, which apply to the larger warehouse use proposed, must be met for the project.

6 The site plan indicates that the structure will have a total area of 27,475 square feet. However, the areas for each use provided indicate a total of 23,048 square feet of Warehouse use and 5,593 square feet of Local Convenience Commercial use, for a total of 28,941 square feet. This discrepancy must be clarified. The public hearing notice must be reviewed and, if it contains inaccurate information, re-issued.

7 The proposed building configuration raises concerns about the proximity of incompatible uses. The local convenience commercial space is in several locations including along the north side of the building, as well as in the center immediately north of the loading zone, and in the southeast corner. The majority of the building area is devoted to warehouse space. The loading zone is in the middle of both the structure and the parking area. As a result, the potential for traffic conflicts between delivery trucks and passenger vehicles is significant. Pedestrian safety is also compromised by this layout. The loading zones must be relocated to the ends of the structure so that incompatible uses are separated.

8 The site plan indicates that nine parking spaces opposite the loading docks are to be held in reserve. If it is determined that it is not necessary for these parking spaces to be constructed, then the area must be landscaped.

9 Snow removal and the resultant snow piles are a critical maintenance consideration for commercial facilities during the winter months. Providing specific locations on the site for removed snow will reduce the loss of available parking spaces meant to be used by staff and visitors. This is especially critical since only the minimum number of required on-site parking spaces are provided. The landscaped islands must also be avoided to protect the proposed vegetation from damage due to the weight of the snow and salt intrusion.

10 The lighting plan must be amended to demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

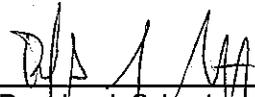
11 All proposed signage must be shown on the site plan, and conform to the Town's sign requirements.

12 Any variances required to implement this proposal are subject to a review by this department as mandated under the New York State General Municipal Law.

13 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.

**NINE HOLT (SP-828E)**

14 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  
  
Atzl, Nasher & Zigler P.C.  
Town of 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.*