Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 2, 2017

West Haverstraw Planning Board
130 Samsondale Avenue
West Haverstraw, NY 10993

Tax Data: 20.18-3-48

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/15/2017 **Date Review Received:** 8/9/2017

Item: ***BP STATION (WH-182 REVISED)***

A site plan application to correct violations (unpermitted changes to the site plan) at an existing service station on 1.18 acres in the C zoning district.
The northeastern corner of West Railroad Avenue and North Central Highway.

Reason for Referral:

North Central Highway/Main Street (CR 33), West Railroad Avenue/Suffern Lane (CR 94), Minisceongo Creek, Minisceongo Creek 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 As the new parking area is partially located within the utility easement, a review must be completed by Orange and Rockland Utilities, and their comments considered.

2 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.

3 As per the September 6, 2017 letter from the Rockland County Highway Department, all required parking must be provided on site in accordance to the local municipalities regulations. No parking can be located within the County Right-of-Way. The site plan indicates that some of the parking is encroaching into the County Right-of-Way and must be removed.

4 As per the August 28, 2017 letter from the Rockland County Drainage Agency, the subject property is in violation of the Rockland County Stream Control Act. The applicant must obtain all required permits and take any required measures to correct this violation.

BP STATION (WH-182 REVISED)

5 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.

6 Low evergreen landscaping shall be provided along all State and County highways to block the headlights of parked cars from shining into such highways.

7 There shall be no net increase in stormwater runoff from the site.

8 The new parking area, and the area reserved for one of the two allowed for-sale vehicles, are located directly behind the existing drop curb access way and are within the county Right-of-Way. This is a safety hazard and an impediment to the smooth flow of traffic on a county road. The parking area and the for-sale vehicles, or the access way, must be relocated or reconfigured to maintain safe and efficient traffic flow.

9 The site plan shall contain map notes, that includes district information.

10 The bulk table on the site plan is incomplete. The existing lot width and the existing total side yard setback are not given and must be provided. In addition, based on the measurements given, the western property line has been designated the front of the property, but the northern property line has been designated the rear. Village regulations state that the rear property line shall be opposite the designated front. Front, rear, and side property lines must be designated in accordance to Village regulations.

11 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Robert D'Amelio, West Haverstraw
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Division of Environmental Resources
Rockland County Department of Health
Orange and Rockland Utilities

Atzl, Nasher & Zigler P.C.

**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.