Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
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July 5, 2018

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

Tax Data: 20.20-3-63 20.20-3-62 20.20-3-61

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 5/12/2018 **Date Review Received:** 6/5/2018

Item: ***GRASSY POINT BEND (WH-186A)***

A three-lot subdivision of 34.15 acres in the PLI zoning district. One lot is to be offered to the Village of West Haverstraw for access purposes. A flex use warehouse/industrial/office building is proposed for each remaining lot.

The northwestern corner of East Railroad Avenue (CR 94) and Beach Road (CR 108).

Reason for Referral:

Gagan Road (CR 109), Grassy Point Road/Beach Road (CR 108), East Railroad Avenue (CR 94), Haverstraw Bay Park, Minisceongo Creek, Rockland County Bowline Transfer Station, 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 one of the reasons this proposal was referred to this department for review. The municipal boundary is adjacent to the northern and eastern property lines 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 satisfactorily addressed, as well as any additional concerns about the proposal.

2 The Subdivision Plan and General Development Plan incorrectly state the section number of the three original lots as 20.02. The plans must be corrected to 20.20.

3 The applicant must comply with all comments made by the Rockland County Department of Highways in their letter of June 14, 2018.

4 An updated review must be completed by the County of Rockland Department of Health and all required permits obtained from them. In addition, all comments in their letter of June 19, 2018 must be addressed.

5 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.

6 A review must be completed by the Rockland County Solid Waste Authority and any comments or concerns addressed.

7 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

8 Since this property has been used in the past as a landfill for construction and demolition debris, a review must be completed by the New York State Department of Environmental Conservation and all required permits obtained from them.

9 The eastern accessway along East Railroad Avenue is very close to a curve in the road, as well as the entrances to several properties. Vehicles exiting at this location will have limited sight distance to the east. In order to avoid a traffic hazard, the entrance must be removed or relocated. The village must consider using an accessway along Ecology Lane as an alternative to the current proposal.

10 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

11 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

12 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.

13 The site plan notes shall contain district information.

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14 The applicant has submitted a full suite of plans for a Site Plan review application for Lot 1. We request the opportunity to review the Site Plan application for Lot 2, as well.

15 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.

16 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: Mayor Robert D'Amelio, West Haverstraw
New York State Department of Environmental Conservation
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Solid Waste Authority
Rockland County Division of Environmental Resources

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

**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.