



**GRASSY POINT BEND (WH-186C)**

2 Without having information regarding the proposed uses, it is impossible to determine the required number of parking spaces. As mentioned above, a parking table is provided that indicates that one space is required for every 500 square feet. This results in a requirement of 364 parking spaces for Lot 1 and 600 spaces for Lot 2. The applicant is requesting a variance in order to provide 271 and 238 parking spaces for Lots 1 and 2, respectively. This would create a deficiency of 93 spaces on Lot 1 and 362 spaces on Lot 2. In addition to providing more information about the proposed uses, the applicant must demonstrate how the provided number of spaces will accommodate these uses.

3 The bulk table on the General Development Plan indicates that the maximum impervious coverage for Lot 2 will be 84%, which exceeds the maximum requirement of 70%. However, a variance of this requirement is not included in the narrative or on the GML referral form. The applicant must clarify if they are requesting a variance for impervious coverage, as well. If so, the public hearing notice must be reviewed and, if necessary, reissued. Any revised application must be referred to this department under General Municipal Law.

4 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.

5 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.

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

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

8 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.

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

10 Since the property had 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.

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11 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.

12 The site plan map notes shall contain district information.

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.

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.

  
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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.*

