



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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

**Arlene R. Miller**  
*Deputy Commissioner*

June 4, 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 L and M

**Map Date:** 3/28/2018

**Date Review Received:** 5/4/2018

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

A site plan application to construct two flex-use buildings on 34.15 acres in the PLI zoning district. The proposed buildings will be 300,000 and 182,000 square feet and provide 387 parking spaces. The northwestern corner of East Railroad Avenue (CR 94) and Beach Road (CR 108).

### Reason for Referral:

Gagan Road (CR 109), 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 site plan and application form indicate the property is located in the Research and Development zoning district. The zoning map for the Village of West Haverstraw indicates the property is located in the PLI zoning district. The application and site plan must be corrected. The bulk table must include the requirements for the PLI zoning district. The public hearing notice must be reviewed and, if necessary, corrected and reissued.

2 The project description on the GML referral form describes the project as "flex use buildings". The narrative provided states the buildings "are designed as flex units..." Page 6 of the application review form describes the project as "a warehouse/industrial/office." The applicant must specify what uses are being proposed. The PLI zoning district permits wholesale storage and warehousing and industrial uses by right. Contractor storage yards, retail and wholesale sales, and ministorage facilities are permitted by Special Permit. These uses have varying requirements for number of parking spaces, as well. More information must be provided to determine if a Special Permit is required, what impacts may be created by the project, such as traffic, noise and light, and what the required number of parking spaces will be.

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3 Without having information regarding the proposed uses, it is impossible to determine the required number of parking spaces. However, the proposed number of spaces results in a ratio of one space for every 1,245 square feet of gross floor area. By comparison, industrial uses require one space for every 500 square feet, which would result in 964 required spaces. Warehousing uses require one space for every 300 square feet of gross floor area, or is based on number of employees. The parking table provided indicates that one space for every 250 square feet is required, which results in a total requirement of 1,928 spaces, a deficiency of 1,541 spaces or 80%. In addition to providing more information about the proposed uses, the applicant must demonstrate how the provided number of spaces will accommodate these uses.

4 The significance of the shaded area on the northeastern portion of the site must be provided.

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

6 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.

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

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

9 A 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.

10 Since this 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.

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

12 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

13 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.

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14 A landscaping plan must be provided that provides a buffer between the site and the adjacent residential properties.

15 All signs shall be shown on the site plan and comply with the village's sign ordinance.

16 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces for this purpose.

17 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.

18 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.

19 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.

20 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.

21 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

22 The submitted site plan is still in a preliminary stage. More information must be provided regarding the type and extent of the proposed uses, as well site details such as landscaping, lighting and utilities. As this information becomes available and the application progresses, updated plans must be sent to this department for review.

23 The site plan map notes shall contain district information.

24 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.

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25 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  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Department of Highways  
Rockland County Solid Waste Authority  
New York State Department of Environmental Conservation  
  
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.*