

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 1, 2018

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

Tax Data: 26.07-4-2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 8/22/2018

Date Review Received: 8/31/2018

Item: *HIGH TOR LANES FUN ENTERTAINMENT CENTER (WH-141D)*

A site plan application to construct a 8,930 square foot addition to an existing bowling alley to be used as a family entertainment center on 3.08 acres in the C zoning district. The existing structure and the proposed addition are non-conforming for the rear setback. A parking variance will also be required to permit the proposed addition.

The northern side of Zarriello Lane, approximately 85 feet east of NYS Route 202/9W

Reason for Referral:

NYS Route 202/9W, Minisceongo Creek, Village 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 According to the land records filed with the County, there are two separate tax parcels covering the subject property, based on two separate deeds. The parcel depicted in the site plan corresponds to the tax parcels 26.07-4-2 and 20.19-5-92. There is no information on the site plan or in the application to indicate that a merger of two lots is proposed. The Village must rectify this discrepancy prior to proceeding with the site plan application.
- 2 The Village of Haverstraw is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 430 feet south of the subject property line. As required under Section 239n of the State General Municipal Law, the Village of Haverstraw must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of West Haverstraw.
- 3 A review must be completed by the County of Rockland Drainage Agency and any required permits obtained from them.

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- 4 As per the September 10, 2018 letter from the Rockland County Department of Health, fully engineered plans must be submitted to them for review.
- 5 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 6 The proposed addition is encroaching into the required rear yard. The bulk table must be amended to indicate that variance is required. In addition, the site plan must indicate that a variance for the number of parking spaces is required. We request the opportunity to review the variance application needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m(3)(a)(v).
- 7 A landscape plan that includes a landscaped buffer to shield adjacent properties to the north and east of the site must be provided.
- 8 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.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 . All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 11 The site plan shall contain map notes, including district information.
- 12 If any additional lighting is proposed, 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.
- 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Robert D'Amelio, West Haverstraw
Rockland County Department of Health
Rockland County Drainage Agency
New York State Department of Transportation

Atzl, Nasher & Zigler P.C.
Village of Haverstraw Planning Board

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**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.

