



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 12, 2018

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

Tax Data: 20.19-5-92 26.07-4-2

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

Map Date: 10/9/2018

Date Review Received: 11/7/2018

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

A site plan application to construct a 8,940 square foot addition to an existing 19,360 sq. ft. 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. Variance for parking and impervious coverage are also required.

The northern side of Zariello 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 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 239nn 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.
- 2 A review must be completed by the County of Rockland Drainage Agency and any required permits obtained from them.
- 3 An updated review must be completed by the County of Rockland Department of Health and all required permits obtained from them.

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4 Proposed parking spaces and part of the retaining wall at the western end of the site, as well as the existing ground sign, extend beyond the property line and into the right-of-way for Old Route 9W. All parking and walls must either be contained on site, or easements must be obtained. A review shall be completed by the New York State Department of Transportation. Permission for the parking spaces, retaining wall, and signage to encroach upon the right-of-way, and any required permits, must be obtained.

5 Variances are required for the rear yard, number of parking spaces, and maximum impervious coverage. However, the bulk table does not include a note indicating that a variance is required for maximum impervious coverage. The bulk table must be corrected.

6 To reduce the extent of the maximum development coverage variance, pervious pavers must be used and the traffic islands must be landscaped rather than painted.

7 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).

8 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) 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 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

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

12 The map notes shall contain district information.

13 The proposed landscape plan must include a landscaped buffer to shield adjacent properties to the north and east of the site.

14 The proposed lighting plan indicates that the intensity of candle lumens is greater than 0.1 at the property line. The lighting plan must be amended to demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

15 The number of parking spaces is deficient by almost 21% for the proposed uses. The applicant must demonstrate to the Village that all uses can be accommodated on site with the number of parking spaces provided.

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 the proposed 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 loss of available parking spaces meant to be used by customers, especially since there is a significant deficiency in the number of spaces provided.

17 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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18 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 W. Schuetz
Acting Commissioner of Planning

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

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

**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.

