



COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

Building T

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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE R. MILLER
Deputy Commissioner

June 27, 2008

Stony Point Town Board
74 East Main Street
Stony Point, NY 10980

Tax Data: 20.04-11-2.2

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

Map Date: 06/08/2008

Date Review Received: 05/22/2008 (additional plans & traffic study received 06/23/2008)

Item: CROSSROAD COMPANIES 4 - 22 KAY FRIES DRIVE (SP-770C)

Special permit to allow a total of 93,769 sq. ft. of local convenience commercial uses in the Light Industrial (LI) zone on 9.57 acres. The proposed commercial uses include a 67,769 sq. ft. retail space for a major food store, seven 2000 sq. ft. commercial spaces, and a 12,000 sq. ft. sales space. Five hundred and eighty-six parking spaces are proposed.

North side of Kay Fries (Holt) Drive, approximately 750 feet east of Route 9W.

Reasons for Referral: Town of Haverstraw; Village of West Haverstraw

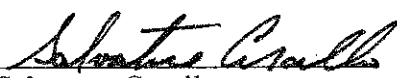
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Disapprove:***

In our last review of the proposed special permit, which was on February 13, 2008, we raised many issues of concern. At that time, the proposed shopping center was for a total building area of 72,000 sq. ft. One of the major issues was the proposed size of the food store, as well as the amount of space for additional retail, commercial and sales uses. The issues we raised have not only not been addressed, but have been exacerbated by a further increase in size of total proposed building area. As we indicated in our last review, the recommended modifications that must be made before the special permit can be approved include:

- (1) No preliminary or final development plan approval shall be granted without documentation from the New York State Department of Transportation that addresses the issue of a proposed traffic light and the potential need for turning lanes to be installed at the intersection of Kay Fries Drive and State Route 9W;
- (2) It is the policy of this Department to recommend that all sites be designed so that there will be no net increase in storm water runoff under a 24-hour, 100-year Type III storm event and the proposed development plan must be modified to meet this standard;
- (3) There is a need for a tree survey and landscape plan to be provided that demonstrate that the existing tree line along the northern border of the property, where the property abuts a residential neighborhood, will be preserved and supplemented with evergreen tree species;
- (4) Information must be provided regarding how negative traffic impacts from the proposed retail uses will be mitigated for the senior housing development (Hudson Grand) that the Town recently approved for the property at the southeast corner of the intersection of Kay Fries Drive and State Route 9W; and
- (5) There appears to be a need for variances for 50% greater than the allowed floor area for a food store and for 50% greater than the allowed floor area for a non-food store. In addition, the proposed site design does not meet the no net increase in storm water runoff standard. These two factors indicate that the proposed plan is an over-utilization of the site and that the proposed development will create potential incompatibilities with the surrounding areas. Therefore, the site must be redesigned to reduce the scale of the proposed development and to reduce the amount of impervious area.

Until these issues are resolved and the building area is scaled back to conform to the Town's requirements, the special permit is disapproved.


 Salvatore Corallo
 Commissioner of Planning

**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 substantive 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.

- c: Supervisor Phil Marino, Stony Point
- New York State Department of Transportation
- Rockland County Drainage Agency
- Town of Haverstraw
- Village of West Haverstraw
- United Water New York
- David Zigler, Atzl, Scatassa & Zigler, P.C.
- Steve Hittman, Crossroads Companies

FILED

JUN 30 2008

Joan Skinner
Town Clerk

NA TLD RD 6-30-08