



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

November 12, 2013

ARLENE R. MILLER
Deputy Commissioner

Haverstraw Zoning Board of Appeals
One Rosman Road
Garnerville, NY 10923

Tax Data: 25.20-2-1

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

Map Date: 10/10/2013

Date Review Received: 10/22/2013

Item: *HAVERSTRAW CONGREGATION OF JEHOVAH WITNESS (H-249B)*

Variance to allow parking within the front yard, for the proposed construction of a 5,000 sq. ft. house of worship on 4.56 acres in the PIO zoning district.

North side of US Route 202, west side of Cambridge Plaza, approximately 105 feet east of Lillian Street

Reason for Referral:

US Route 202, ACOE wetlands

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 Headlights from vehicles traveling in the one-way driveway will directly shine into the State highway. Since the parking and driveway are located within the required front yard facing US Route 202, and are therefore closer to the roadway than permitted, additional landscaping must be provided to shield the headlights from shining into the State right-of-way.

Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Howard Phillips, Haverstraw
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Health
United States Army Corps of Engineers
Atzl, Scatassa & Zigler P.C.

HAVERSTRAW CONGREGATION OF JEHOVAH WITNESS (H-249B)

**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.