

**DEPARTMENT OF PLANNING**

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

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

June 21, 2016

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

**Tax Data:** 26.09-4-78

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 4/20/2016

**Date Review Received:** 5/26/2016

**Item:** *LAWRENCE BIGGIO (H-253)*

Variations to permit a proposed sunroom and garage for an existing dwelling located in the R-15 zoning district on .178 acres. Required variations include: expansion of a non-conforming building, rear yard, rear yard for an accessory structure (garage), side yard for an accessory structure (garage), and floor area ratio. Existing conditions that require variations include lot area, lot width, lot frontage, and front yard.

South side of Sycamore Street, approximately 640 feet west of Central Highway

**Reason for Referral:**

High Tor State Park, S. Central Highway (CR 33)

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 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

2 It is normally our policy, as well as the Palisades Interstate Park Commission's, to request that an undisturbed, vegetated 20-foot buffer area be provided along the property line adjacent to any Palisades Interstate Parkland. The intent of this buffer is to not only protect the visual integrity of the park property, but to preserve the existing vegetation and root systems from damage due to adjacent construction/on-site activities. The applicant's property is already closer than the 20 foot recommended, and is now proposing to decrease the distance to five feet for the garage, and 12.5 feet for the sunroom. To protect the existing vegetation from damage during construction, clearing limit lines must be placed in the field prior to the commencement of any grading, vegetation removal or construction.

**LAWRENCE BIGGIO (H-253)**

3 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.

4 The bulk table and narrative submitted by Anthony R. Celentano P.L.S. indicates that variances are required for lot area, lot width, lot frontage, and front yard for existing conditions that do not comply with the zoning ordinance requirements. The Notice of Public Hearing does not cite these four existing conditions as needing variances. The Town of Haverstraw must clarify if these variances for the existing conditions are needed. If so, then the public hearing notice will need to be re-issued.

5 The site plan submitted with the application depicts an existing canvas car port and a proposed garage. It is not indicated if the car port is to be removed, though the two overlap. It is also not clear how vehicles will enter the proposed garage, as it is offset from the driveway. Will the driveway have to be widened so that access can be provided? These issues must be clarified. If the driveway is to be widened so that access is possible, the additional macadam area must be depicted on the plans.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Howard Phillips, Haverstraw  
Palisades Interstate Park Commission  
Rockland County Department of Highways  
  
Anthony R. Celentano P.L.S.

*\*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.*