

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 1, 2016

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

Tax Data: 24.12-2-1 25.05-3-2 25.05-3-1

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

Map Date: 4/28/2016

Date Review Received: 5/4/2016

Item: *JCC MANHATTAN - CAMP SETTOGA (H-111F)*

Variances for front yard, side yard, and rear yard to allow the installation of a challenge course and playground for an existing camp located on 21.196 acres in the CR zoning district.
West side of Call Hollow Road, approximately 1,780 feet north of Camp Hill Road

Reason for Referral:

Call Hollow Road (CR 75), Harriman State Park, Village of Pomona, Mahwah River

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 An updated review must be completed by the County of Rockland Department of Highways and all concerns addressed and all required permits obtained.
- 3 The comments in the May 19, 2016 letter of the Rockland County Health Department must be met.
- 4 The Village of Pomona is one of the reasons this proposal was referred to this department for review. The municipal boundary is directly east of the site along Call Hollow Road. As required under Section 239nn of the State General Municipal Law, the Village of Pomona must be given the opportunity to review the proposed variances and provide any concerns related to the project to the Town of Haverstraw.

JCC MANHATTAN - CAMP SETTOGA (H-111F)

5 The bulk table lists the required measurements to be 60 feet for front yard, 40 feet for side yard, and 60 feet for rear yard. The Referral Form, page 10 of 12 of the Application Form and the narrative submitted with the application all indicate that these yard measurement must be 175 feet since this is an open activity or recreation area and subject to Section 167-66 of the Town of Haverstraw Zoning Ordinance. The bulk table must be corrected to reflect the bulk requirement for the camp use.

6 In addition to the required 175 feet distance to any lot line, Section 167-66A. also requires that screening be provided between this use and any other use. The Town must be satisfied that adequate screening is provided to meet this requirement of the Town Zoning Ordinance.

7 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process.

7.1 The April 28, 2016 narrative provided with the application cites the section of the code that requires the special bulk regulation of 175 feet for yard distances as Section 166-66. This should be corrected to Section 167-66.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Howard Phillips, Haverstraw
Palisades Interstate Park Commission
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health

Atzl, Nasher & Zigler P.C.
Village of Pomona
Ira Emanuel P.C.

**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.