

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 25, 2017

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

Tax Data: 20.20-4-7

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

Map Date: 4/4/2017

Date Review Received: 6/28/2017

Item: *PAUL WELSH - DETACHED GARAGE (H-256A)*

A variance application for distance from primary structure, side yard, total side yard, front yard, and rear yard setbacks to allow a detached garage for an existing single-family residence on 0.31 acres in the PIO zoning district.

The northern corner of Beach Road and Ecology Lane.

Reason for Referral:

Gagan Road (CR 109), Beach Road (CR 108), Minisceongo Creek, Haverstraw Bay Park, 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:

****Recommend the following modifications***

- 1 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 2 A review must be completed by the Rockland County Drainage Agency, and all required permits obtained.
- 3 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.
- 4 A review must be completed by the Rockland County Division of Environmental Resources and any comments addressed.

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5 The Floodplain Administrator for the Town of Haverstraw shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

6 A vicinity map that contains a north arrow and scale must be provided. In addition, the date on the site plan is incorrect and must be corrected.

7 The Village of West Haverstraw is one of the reasons this proposal was referred to this department for review. The municipal boundary is adjacent to the south side of the subject property line, along Ecology Lane. As required under Section 239nn of the State General Municipal Law, the Village of West Haverstraw must be given the opportunity to review the proposal and provide any concerns related to the project to the Town of Haverstraw.

8 The driveway to the proposed garage appears to encroach on the neighboring property to the north. The proposed garage and driveway must be relocated to allow on-site access to the garage, or parking/access easements must be obtained from the neighboring property.

for *Arlene Miller, Deputy*
Douglas J. Schuetz
Acting Commissioner of Planning *Commissioner*

cc: Supervisor Howard Phillips, Haverstraw
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Rockland County Drainage Agency

Anthony R. Celentano P.L.S.
Village of West Haverstraw

**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.