



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
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**Douglas J. Schuetz**  
*Acting Commissioner*

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

June 6, 2018

Haverstraw Town Board  
One Rosman Road  
Garnerville, NY 10923

**Tax Data:** 25.18-2-16

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

**Map Date:**

**Date Review Received:** 5/10/2018

**Item:** *TOWN OF HAVERSTRAW - ZONE CHANGE RG TO C (H-185E)*

Zone change from RG to C for a 1.08-acre parcel that is currently used as a car wash facility. The owner of the parcels intends to convert three of the self-service bays into two oil changing bays and a lobby/office.

East side of Thiells-Mt. Ivy Road, approximately 100 feet south of Darian Court

### Reason for Referral:

NYS Route 45, US Route 202, Thiells-Mt. Ivy Road (CR 47), Palisades Interstate Parkway, Long Path

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 We completed a review of the site plan for the proposed conversion of three self-service bays to two oil changing bays and lobby/office for the site of an existing car wash facility on September 19, 2017. It was noted in that review that there was a discrepancy with the zoning district, as the narrative and application materials had the subject property listed to be within the C zoning district, instead of the actual RG district. On March 12, 2018, a public hearing was held for the proposed zone change for the parcel to designate the RG parcel to the C zoning district. While we have no specific issue with the zone change itself, it must be noted that all zone changes must be referred to the County Planning Department for review, as per Section 239-m.3.(a)(ii) of the New York State General Municipal Law regardless of where the parcel is located. This is especially important since the County has assisted in maintaining the Official Zoning Map updates (see #2 below) for the Town of Haverstraw.

2 The Town of Haverstraw has agreed to work with the Rockland County Department of Planning's Geographic Information System (GIS) Division maintain and update the zoning map for the Town. The Official Zoning Map was adopted on October 13, 2015 as per Town Board resolution #11. In order to maintain any revisions going forward, the Town of Haverstraw must refer all zone changes to the Planning Department, and provide them with a copy of the resolution once the zone change has been adopted.

**TOWN OF HAVERSTRAW - ZONE CHANGE RG TO C (H-185E)**

3 The comments in the May 17, 2018 letter from the Rockland County Department of Highways must be addressed.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Howard Phillips, Haverstraw  
New York State Department of Transportation  
Palisades Interstate Park Commission  
Rockland County Department of Highways  
New York - New Jersey Trail Conference

*\*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.*