



# 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*

January 22, 2018

Haverstraw Village Zoning Board of Appeals  
40 New Main Street  
Haverstraw, NY 10927

**Tax Data:** 27.46-1-40

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

**Map Date:**

**Date Review Received:** 12/22/2017

**Item:** *JORGE LOPEZ - 33 DIVISION STREET (VH-140)*

A variance application to allow an addition to and conversion of a single-family residence to a two-family residence on 0.057 acres in the R-3 zoning district. Variances are requested for lot area, lot width, front yard, side yard, total side yards, and parking.

The northern side of Division Street, approximately 130 feet west of Rockland Street.

### Reason for Referral:

Town of Haverstraw (at the Hudson 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:

***\*Disapprove***

No site plan was provided with this application. A site plan prepared by a surveyor or engineer must be provided in order to properly evaluate this application.

The following comments reflect our additional concerns about the project:

1 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The lot size and width are only 25% and 28% of the required minimums for this use, respectively. The existing structure extends almost to the front and side property lines, providing only a small fraction of the required minimum front, side and total side yards. No off-street parking spaces are provided while four are required. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development.

**JORGE LOPEZ - 33 DIVISION STREET (VH-140)**

2 The Town of Haverstraw is reason this proposal was referred to this department for review. The municipal boundary is approximately 215 feet to the east at the mean high tide of the Hudson River. As required under Section 239nn of the State General Municipal Law, the Town of Haverstraw must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Haverstraw.



Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Michael Kohut, Haverstraw Village

Jorge L. Lopez Architect, PC  
Town of Haverstraw

Rockland County Planning Board Members

*\*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.*