

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 2, 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: 3/20/2018

Date Review Received: 4/3/2018

Item: *MME REALTY, LLC - 11 THIELLS MT. IVY ROAD (H-112C)*

A special permit application to convert three self-service car wash bays to two fully enclosed oil change bays and one waiting room/office area at an existing car wash facility on 1.22 acres in the C zoning district. No changes to the building footprint are proposed. Four parking spaces are to be added to accommodate additional employee parking.

The eastern side of Thiells Mt. Ivy Road, approximately 430 feet north of US Route 202.

Reason for Referral:

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

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 This property was previously located in the RG zoning district. It is our understanding that the Town Board recently approved an amendment to the zoning map to place this parcel in the C zoning district. Such an action is subject to review by this department under General Municipal Law. This department has not received a request to review this amendment to the Town zoning map. The Town must forward the zoning map amendment to this department for review as is required under GML. All required actions for the zoning map amendment must be completed prior to final approval of the Special Permit application.
- 2 A review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.
- 3 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

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- 4 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 5 A review must be completed by the New York - New Jersey Trail Conference and any concerns addressed.
- 6 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 7 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 8 The Town shall be satisfied that the proposal complies with the general provisions for Special Permits found in Section 167-14, as well as the Special Permit requirements for oil change/lubrication facilities at car washes in Section 167-37.2.
- 9 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 10 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

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

George Hodosh Associates

**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.