

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
*Acting Commissioner*

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

August 17, 2020

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

**Tax Data:** 25.14-3-34

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

**Map Date:** 1/13/2020

**Date Review Received:** 7/29/2020

**Item:** *DINI WIGS - 18 THIELLS MT. IVY ROAD (H-84G)*

A variance application to add a half story for a total of three stories and renovate an existing commercial building for retail and wholesale use on 1.24 acres in the C zoning district. A variance for number of stories is requested.

The western side of Thiells Mount Ivy Road, approximately 215 feet south of Mazza Court

**Reason for Referral:**

Village of Pomona, Thiells Mount Ivy Road (CR 47), Palisades Interstate Parkway, Long Path

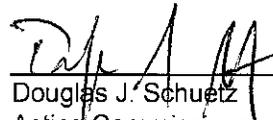
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

- 1 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 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of June 3, 2020.
- 3 The Village of Pomona is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the western boundary of the Palisades Interstate Parkway, approximately 400 feet west of the property line. As required under Section 239nn of the State General Municipal Law, the Village of Pomona must be given the opportunity to review the proposed site plan and provide any concerns relating to the project to the Town of Haverstraw.
- 4 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

**DINI WIGS - 18 THIELLS MT. IVY ROAD (H-84G)**

- 5 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Haverstraw Fire Inspector, or the Moleston/Hillcrest Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 6 Town regulations require a buffer within 25 feet of any residential district in which no parking or loading areas are allowed. The site plan must be amended to indicate the 25-foot buffer. All parking spaces and loading areas must be relocated out of the buffer area and appropriate landscaping must be provided.
- 7 The designated loading berth is not adjacent to the structure and, therefore, cannot function properly. It would also be very difficult to maneuver into and out of the berth if vehicles are parked in the adjacent spaces. A functional loading berth that is adjacent to the building must be provided.
- 8 The bulk table must be corrected to indicate the correct number of proposed stories and that a variance is required.
- 9 The Palisades Interstate Parkway is designated as a National Landmark by the National Park Service and a New York State Scenic Byway. In order to minimize the visual impact of the structure from the Parkway, the roof and parapet must use neutral earth tones.
- 10 The site plan must be amended to include additional landscaping or a berm along the parking area to shield the roadway and neighboring properties from the headlights of parked vehicles. Landscaping along the Palisades Interstate Parkway must be enhanced to block the glare from headlights, especially since the parking area and accessways are within the required 20-foot buffer.
- 11 The map notes on the site plan must include district information. In addition, the site plan must include a vicinity map with a north arrow and scale.
- 12 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.
- 13 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  
New York - New Jersey Trail Conference  
Palisades Interstate Park Commission  
Rockland County Department of Health  
Rockland County Department of Highways  
Rockland County Office of Fire and Emergency Services  
Moleston/Hillcrest Fire District  
  
Bart M. Rodi  
Village of Pomona Planning Board

**DINI WIGS - 18 THIELLS MT. IVY ROAD (H-84G)**

*\*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.*