



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

October 3, 2013

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 27.61-1-4

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

Map Date: 5/20/2013

Date Review Received: 9/11/2013

Item: *TERRACE ON THE HUDSON (VH-15B)*

Variances to allow additions and the renovation of the interior and exterior of an existing catering facility in the HB zoning district, on a 1.14-acre parcel, with less than the required front yard, rear yard, setback for off-street parking, parking space dimensions, aisle separation, and number of parking spaces; and greater than permitted maximum development coverage.
Southwest side of US Route 9W, approximately 325 feet southeast of Fairmount Avenue

Reason for Referral:

US Route 9W, High Tor State Park

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***

1 The proposed additions to the site will result in an overutilization of the parcel. The existing site currently experiences insufficient parking when functions are held at the banquet facility. It is not unusual for patrons to have to park along the State highway, creating dangerous situations. This section of US Route 9W is fairly narrow, and poorly lit, especially south of the site. Patrons who park along the highway must walk along the roadway to and from their vehicles, oftentimes within the roadway itself, as no sidewalks exist. The current facility can hold multiple functions concurrently, resulting in increased parking problems. Expanding the existing facility, while reducing the number of parking spaces will only exacerbate these parking issues.

Many variances are required for the site to provide the 73 parking spaces proposed. As designed, the applicant will be required to have less than the required off-street parking setback, narrower than permitted parking spaces, less than the required aisle separation distance, and less than the required number of parking spaces. The site has been designed to cram as many parking spaces as possible on site. Many of the parking spaces, as proposed, will be difficult to maneuver into or out of, such as parking spaces #16, #29, and #70. These are all factors that

TERRACE ON THE HUDSON (VH-15B)

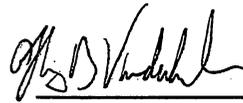
the site is being overutilized.

Additional parking must either be provided onsite, by putting in a decked parking structure, or offsite. An offsite parking arrangement could be obtained from an adjacent property owner. This arrangement must be a written agreement so that future owners of this parcel can be assured of having adequate parking. In addition, if offsite parking is pursued, then sidewalks must be constructed, connecting the banquet facility to these offsite parking locations. This will allow the patrons a safe passageway to the facility without having to walk along the heavily traveled State highway. In addition, parking along the State highway must be eliminated, due to the dangerous situation that this creates.

2 The development coverage is proposed to increase, and is already greater than permitted by over 35%. The proposed increase in development coverage will result in the site being overdeveloped by more than 40% of what is permitted, yet only 66% of the required parking is being provided. The site is also nearly devoid of landscaping, with only the rear portion of the site able to have any plantings supplemented. The island areas in the parking lot should be replaced with landscaping, which would help to visually make the site more appealing, help to break up the parking areas, and decrease the impervious coverage.

3 If offsite parking is provided, then some of the parking spaces can be eliminated, such as the ones abutting the property line along US Route 9W, resulting in a better layout and more compliance with the zoning ordinance. These parking spaces right at the entrance are dangerous, as patrons backing out of these spaces will conflict with anyone trying to enter the site from the State highway. These two spaces at the access points will also be difficult to maneuver out of given the angles of the access drives. In addition, the design of the proposed access drives probably do not conform to the New York State Department of Transportation standards, and will have to be redesigned. If a patron is trying to find a parking space, and enters the two way traffic pattern in the rear of the property from the two larger parking areas, they will have no place to turn around, as they will be confronted with a one way entrance. The parking spaces are being proposed to be smaller than permitted, the parking aisles narrower than required, and parking is being proposed right up to the property line. Eliminating some of the parking spaces and redesigning the layout will avoid conflict areas, provide safer access drives and circulation patterns, and enable the parking lot to be landscaped.

4 A review and permits must be obtained from the New York State Department of Transportation before this site plan is approved. The applicant must demonstrate that the site plan proposal will not impede the safety and flow of traffic along the State highway.



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Mayor Michael Kohut, Haverstraw Village
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Health
Map Engineering, Inc.

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.*

TERRACE ON THE HUDSON (VH-15B)

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.

