



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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County Executive

**DOUGLAS J. SCHUETZ**  
Acting Commissioner

**ARLENE R. MILLER**  
Deputy Commissioner

April 16, 2015

Haverstraw Village Planning Board  
40 New Main Street  
Haverstraw, NY 10927

**Tax Data:** 26.60-1-1

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

**Map Date:** 2/27/2015

**Date Review Received:** 3/18/2015

**Item:** 62-66 ROUTE 9W (VH-58D)

Amended site plan for a proposed change of use for an existing building located in the HB zoning district on .78 acres. Currently a bagel shop and florist occupy a portion of the building. The proposal is to allow a carpet installer office and storage in the remaining storefront. The rear of the building will be utilized as a warehouse for a separate user.

North side of US Route 9W, south side of West Shore Railroad, opposite Hillside Avenue

**Reason for Referral:**

US Route 9W

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 shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2 Given the site's location on a heavily-traveled State highway, all parking spaces must be provided so that vehicles do not have to back into the right-of-way into oncoming traffic. Vehicles backing into the right-of-way will create dangerous situations and impede the flow of traffic. The site parking layout must be redesigned so that no vehicles parked in these spaces back out directly into the State right-of-way.
- 3 The site plan must include all existing landscaping and other features on site, such as the dumpster locations, clothes bins, etc., to ensure that maneuverability on the site, as designed, is feasible.

**62-66 ROUTE 9W (VH-58D)**

4 The existing parking layout and fence location do not coincide with the site plan provided. The existing parking in the ten-spot location was aligned with the front edge of the building, and not set back as far as is shown on the site plan. The fence location is also not depicted on the plans as it is in the field. Is the parking layout on the site plan a proposed redesign of the site with this new tenant? This must be clarified.

5 A site visit showed that four dumpsters were located in the eastern portion of the five-space parking area. In addition, wood pallets were located in two of the three parking spaces designated on the site plan in the three-spot parking area. No parking spaces shall be used for storage of any materials for the site. The dumpsters must be accessible for access without impeding the parking spaces.

6 The fence gate that is shown on the site plan is the type that opens by sliding to the side; in this case towards the three-spot designated parking area. The gate was in the open position during the site visit, illustrating that cars parked in at least the first two of these parking spaces would impede the opening of the gate. All parking spaces must be designed so that access is available during all times of the day, and that other obstacles, such as the fence gate do not impede use of the parking spaces.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Michael Kohut, Haverstraw Village  
New York State Department of Transportation  
Atzl, Nasher & Zigler P.C.

*\*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.*