



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 24, 2017

Mr. Joseph Natale
Haverstraw Village Planning Board
40 New Main Street
Haverstraw, NY 10927

Re: New York SMSA Limited Partnership – Install Wireless Antennas (VH-136)

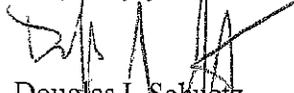
Dear Chairman Natale and Planning Board Members:

In our review of New York SMSA Limited Partnership dated July 17, 2017, Condition #1 stated, "This project does not appear to be an allowable use and requires a use variance."

Since completion of that review, we were contacted by Michael Sheridan of Snyder & Snyder, indicating that the installation of a wireless telecommunications facility was a permissible use by special permit of the planning board. In follow-up conversations with both Ruben Berrios, Village of Haverstraw Building Inspector, and Liz Mello, Village Engineer, confirmation was made that this is an allowable use, requiring a special permit application to the planning board, as had been done. We are therefore, rescinding condition #1 of our July 17, 2017 letter.

Please contact our office if you have any questions.

Very truly yours,



Douglas J. Schuetz
Acting Commissioner

C: Snyder & Snyder, LLP
APT Engineering

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July 17, 2017

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

Tax Data: 27.17-1-11.2

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

Map Date: 11/3/2015

Date Review Received: 6/14/2017

Item: *NEW YORK SMSA LIMITED PARTNERSHIP - INSTALL WIRELESS ANTENNAS (VH-136)*

Site plan application and conditional use permit, to permit the installation of a wireless telecommunications facility on the roof of an existing assisted care living facility located on 0.52 acres in a R-2(M) zone.

Parcel is located on the west side of Route 9W (Conger Ave), approximately 250 feet south of Mountain Ct.

Reason for Referral:

U.S. 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 This project does not appear to be an allowable use and requires a use variance. Section 221-6A(1) of the Code of the Village of Haverstraw states that Wireless Telecommunication Facilities must be located in the SP, WD or PI zoning districts. The proposed project is located in a R-2(M) zoning district.
- 2 Section 221-7A of the Code of the Village of Haverstraw establishes criteria for Special Use Permits. The Planning Board should refer to this section when making their determination for this project.
- 3 A review must be completed by the New York State Department of Transportation, and any comments or concerns addresses. All required permits must be obtained.
- 4 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

NEW YORK SMSA LIMITED PARTNERSHIP - INSTALL WIRELESS ANTENNAS (VH-136)

- 5 A review must be completed by the New York - New Jersey Trail Conference and any concerns addressed.
- 6 The visual analysis provided is deficient in that it fails to take into consideration the impact on the viewshed of upland areas. Additional points for visual study must be done from High Tor State Park's Long Path regional hiking trail.
- 7 Refer this project to the Rockland County Department of Health for review and any comments or concerns addressed.
- 8 Pursuant to General Municipal Law (GML) Section 239-m, if any of the conditions of this GML review are overridden by the board, then the Village of Haverstraw Planning 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.
- 9 Section 3.a of the Short Environmental Assessment Form incorrectly states the site is 0.01 acres. This must be corrected to 0.52 acres.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Michael Kohut, Haverstraw Village
Rockland County Department of Health
New York State Department of Transportation
Palisades Interstate Park Commission
New York - New Jersey Trail Conference
Rockland County Planning Board

APT Engineering
Snyder & Snyder, LLP

**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.