

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 2, 2017

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

Tax Data: 26.35-1-6

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/16/2017

Date Review Received: 9/8/2017

Item: *JOEL SANTANA - 100 HALGREN CRESCENT (VH-138)*

A variance application of maximum development coverage to allow a single-story addition to an existing semi-attached single-family residence on 0.11 acres in the R-1T zoning district.

The northern side of Halgren Crescent, approximately 380 feet east of Ferracane Place.

Reason for Referral:

Minisceongo Creek, Village of West Haverstraw

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 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The existing lot and structure are already non-conforming for lot area, lot width, front yard, and total side yard. The proposed maximum development coverage exceeds the Village's standard by 73%. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development.
- 2 To reduce the extent of the maximum development coverage variance, pervious pavers must be used and the existing shed must be removed.
- 3 The site plan shall contain map notes, including district information, and a vicinity map with a scale and north arrow.

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~~4 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.~~

5 A review must be completed by the Haverstraw Joint Regional Sewer Authority and any required permits obtained from them.

6 As per the September 25, 2017 letter from the Rockland County Drainage Agency, the subject property is within their jurisdiction and a permit must be obtained from them.

7 There shall be no net increase in the peak rate of discharge from the site at all design points.

8 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

9 The Village of West Haverstraw is one of the reasons this proposal was referred to this department for review. The municipal boundary is adjacent to the rear property line. As required under Section 239nn of the State General Municipal Law, the Village of West Haverstraw must be given the opportunity to review the proposed variance and provide any concerns related to the project to the Village of Haverstraw.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Michael Kohut, Haverstraw Village
Rockland County Drainage Agency
Rockland County Department of Health
Haverstraw Joint Regional Sewer Authority

Anthony R. Celentano P.L.S.
Village of West Haverstraw Planning Board

**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.