



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 12, 2018

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

Tax Data: 26.60-1-15

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

Map Date: 2/8/2018

Date Review Received: 2/9/2018

Item: *57 ROUTE 9W - CARP ASSOCIATES (VH-141)*

A site plan application to construct a 5'x35' addition to an existing building on 0.26 acres in the HB zoning district. This addition will be added under the existing overhang and will be enclosed with a glass door and windows.

The southern side of Conger Avenue (Route 9W), approximately 500 feet west of New Main Street.

Reason for Referral:

Conger Avenue (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:

****Disapprove***

No site plan or survey was provided with this application and the use of the existing building is not given. It is impossible to evaluate this project without a site plan and without knowing the applicable bulk requirements. The proposed addition could require a variance of the required front yard. It is not known what impact this addition will have on the availability of parking and traffic circulation. This is especially important as the property is located along Route 9W. The provided architectural drawings indicate a concrete walk is to be removed to create the addition. It is not clear what, if any, other changes to the site plan will be required to complete the proposal. In addition, this project is an opportunity to make improvements to the site that the Planning Board deems necessary and appropriate. A full site plan that includes bulk and parking requirements, and shows existing and proposed improvements, must be provided.

The following comments address our additional concerns about this proposal.

1 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

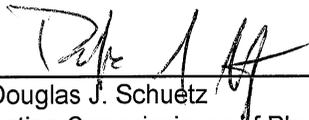
57 ROUTE 9W - CARP ASSOCIATES (VH-141)

2 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.

3 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

4 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.

5 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: Mayor Michael Kohut, Haverstraw Village
New York State Department of Transportation
Rockland County Department of Health
Kier B. Levesque, R.A.

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.*

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.