

GARY & YVETTE MARTINO - LOT LINE CHANGE (VH-139A)

- 3 The directional bearing of the proposed new lot line is incorrect and must be corrected.
- 4 The bulk table indicates there is a minimum landscaped area requirement of 20%. This department is of the opinion that this is a misrepresentation of the Mountain Protection Overlay District requirements. Section 245.21.D(2)(a) states that 50% of the site shall remain in its natural state. Section 245.21.D(2)(b) states an ADDITIONAL 20% shall remain open landscaped area. Therefore, there is an overall open space requirement of 70%. As Lot 2 has 0% of the lot in its natural state and only 65% is landscaped, open space, a variance of both requirements is necessary and must be obtained.
- 5 To reduce the extent of the maximum development coverage variance, pervious pavers must be used.



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.

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.