Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 20, 2019

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

Tax Data: 27.61-1-2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/27/2018 **Date Review Received:** 1/15/2019

Item: ***HUDSON SENIOR DAY CARE (VH-144B)***

A site plan application to convert an existing residence to an adult day care center on 0.44 acres in the R-1 zoning district and Mountain Protection Overlay District. The proposal consists of interior renovations and the expansion of the parking area. No change to the building footprint is proposed.
The northwestern corner of Hillside Avenue and Fairmount Avenue

Reason for Referral:

Conger Avenue (US Route 9W), High Tor State Park

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 The Village shall be satisfied that the proposal complies with all requirements of the Mountain Protection Overlay District found in Section 245-21, specifically the requirements for open and undeveloped space, and the maximum limit on parking areas.

2 The bulk table indicates that a total of eight parking spaces are provided, but the site plan illustrates only seven spaces. In addition, one space, shown to be a handicap space, is only eight feet wide and does not meet the minimum Village standard of ten feet. This undersized space cannot be counted toward meeting the village's parking requirements. The bulk table must be corrected.

3 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.

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

5 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

HUDSON SENIOR DAY CARE (VH-144B)

6 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.

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

8 The map notes must include district information.

9 To reduce the extent of the maximum development coverage variance, pervious pavers must be used.

10 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.

11 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.

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

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Michael Kohut, Haverstraw Village
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Health

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.