

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 13, 2020

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

Tax Data: 26.50-1-65

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

Map Date: 8/27/2020

Date Review Received: 9/15/2020

Item: **198 HAVERSTRAW PROPERTIES, LLC - 198 ROUTE 9W (VH-148)**

A site plan application to convert service bays to retail space in an existing gas station on 0.46 acres in the HB zoning district. No expansion of the building footprint is proposed. Site improvements include construction of a walkway, removal and landscaping of the Gurnee Avenue entrance, and creation and striping of parking spaces.

The southeastern corner of Route 9W and Gurnee Avenue

Reason for Referral:

Westside Avenue (US Route 202), US Routes 202/9W

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:

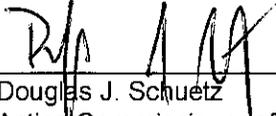
****Recommend the following modifications***

- 1 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Health and all required permits obtained from them.
- 3 Aerial photographs indicate that multiple vehicles have been stored on site, including on the brick paver island along Route 9W, within the entrance from Gurnee Avenue, and on the lawn area in the southeastern portion of the site. A site visit conducted on October 9, 2020, confirmed that vehicles were stored on the lawn and within the Gurnee Avenue entrance. Multiple vehicles did not have license plates, indicating that they were being stored on a long-term basis or were available for sale.

As a condition of approval, the Village must ensure that the property is not used for the long-term storage or sale of vehicles, that no vehicle park within the State highway right-of-way, and that all required parking spaces are available for use by customers and employees.

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- 4 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 Standards for Urban Erosion and Sediment Control.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 6 All proposed signage shall be indicated on the site plan and shall conform to the Village's sign standards.
- 7 The site plan must be amended to include low evergreen shrubs or a berm in front of the parking spaces in the southeastern portion of the site and in the existing Gurnee Avenue entrance in order to prevent vehicle headlights from shining into the roadway or neighboring residential properties.
- 8 The site plan map notes shall include district information.
- 9 The application materials included only the first page of a Short Environmental Assessment Form. The entire form must be provided.
- 10 Gas stations are a special permit use within the HB zoning district. We request the opportunity to review the special permit application for this proposal.
- 11 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.
- 12 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
Rockland County Department of Health
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.