

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
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October 13, 2020

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

Tax Data: 26.60-1-1

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

Map Date: 8/28/2020

Date Review Received: 9/15/2020

Item: *DESIMONE PROPERTIES - 62-66 ROUTE 9W NORTH (VH-58E)*

A site plan application to change uses within an existing 7,780 square foot building on 0.78 acres in the HB zoning district to include automotive repair. No exterior changes to the structure are proposed. The northern side of US Route 9W, approximately 590 feet west of New Main Street

Reason for Referral:

US 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:

****Recommend the following modifications***

1) The parking layout has serious deficiencies that must be corrected. 1) The row of nine parking spaces adjacent to the southern façade of the structure require vehicles to back into the heavily-trafficked Route 9W, creating an unacceptable hazard to motorists. These spaces, with dimensions of 10' by 16', do not meet the Village's standard of 200 square feet per space. In addition, larger vehicles parked in these spaces will infringe over the property line, creating visual and safety hazards. A utility pole blocks access to two of these spaces, as well. 2) Of the row of six spaces in the central portion of the lot, the two westernmost spaces lack adequate backup distance due to the location of the dumpster, and the two easternmost spaces lack backup distance due to the proximity of the fence. 3) The three easternmost spaces of the row of thirteen spaces, as well as the single space labelled "employee parking", are blocked by fencing. Two of the spaces have fencing that runs through them, making use of these spaces impossible. The single employee parking space has only an aisle width of 7' at the narrowest location, making it extremely difficult, if not impossible, for a vehicle to back up the necessary distance to exit the parking space. The solitary space that is adjacent and parallel to the northern property line, as well as the northernmost space next to the western property line, will be difficult to maneuver in and out of, due to the proximity of the fence. 4) Lastly, the site plan counts interior space within the automotive repair establishment as providing six parking spaces. Presumably, this area will be dedicated to repair work, and cannot be counted towards meeting the required number of spaces.

The site plan must be amended to provide parking that does not present a hazard to motorists and complies with

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all Village requirements for size and access, including Section 245-26.C(1), which prohibits vehicles from backing into public highways, and Section 245-26.E, which has requirements to separate parking from access lanes using curbing of sufficient height.

2 According to the site plan of existing conditions, the current mix of uses requires 13 parking spaces for warehouse use and 27 parking spaces for retail use, for a total requirement of 40 spaces. The proposed mix of uses requires 41 parking spaces, an increase of one space. As previously mentioned, the parking layout must be amended to address serious inadequacies. If the property is unable to provide the required number of compliant spaces, a variance must be obtained to allow the increase in required parking. We request the opportunity to review any variance application which may be necessary to implement the proposed site plan.

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

4 The chain link fence and gate encroach upon several parking spaces. The site plan must be amended to indicate that they are to be removed. In addition, fencing extends over the property line and must be moved to be within the site's boundaries.

5 All proposed signage shall be indicated on the site plan and shall conform to the Village's sign standards.

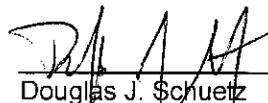
6 If any additional exterior lighting is proposed, then a lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

7 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers. This is especially critical given the deficiencies cited above.

8 The site plan must be amended to include additional landscaping, including low evergreen shrubs to shield the headlights of parked vehicles from shining into the roadway.

9 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.

10 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
Atzl, Nasher & Zigler P.C.

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**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.