



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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C. SCOTT VANDERHOEF  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

December 16, 2013

ARLENE R. MILLER  
Deputy Commissioner

West Haverstraw Zoning Board of Appeals  
130 Samsondale Avenue  
West Haverstraw, NY 10993

**Tax Data:** 26.06-6-74

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

**Map Date:** 11/15/2013

**Date Review Received:** 11/22/2013

**Item:** *HARVEST ASSEMBLY OF GOD (WH-145E)*

Variance for less than the required number of parking spaces, to allow a change of use from a retail use to a religious use in the C zoning district on .85 acres.

North side of US Route 202, approximately 154 feet west of Bridge Street

**Reason for Referral:**

US Route 202 (Ramapo Road)

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. Any concerns or comments must be addressed, and any required permits obtained.
- 2 We are concerned with the parking deficiencies, particularly since the site is located on a State highway. However, since the doctor's office hours do not generally coincide with the hours of operation for the church, there may be 9 additional available spaces that can be used by the church. If in the future the doctor's office hours change, or a different use for Unit #4 is proposed that has hours which coincide with the church, then parking deficiencies may be prevalent. The Village must monitor the site to ensure that adequate parking is available at all times. No parking shall be permitted within the State right-of-way.

Thomas B. Vanderbeek, P.E.  
Commissioner of Planning

cc: Mayor John Ramundo, West Haverstraw  
New York State Department of Transportation

**HARVEST ASSEMBLY OF GOD (WH-145E)**

Atzl, Scatassa & 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.*