



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

June 5, 2014

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: 4/28/2014

Date Review Received: 5/2/2014

Item: SHEEN REAL ESTATE, LLC (WH-145F)

Variance to permit conversion of a three-unit commercial building into four units on .85 acres in the C zoning district, with less than the required number of parking spaces.

North side of US Route 202, approximately 155 feet west of Bridge Street

Reason for Referral:

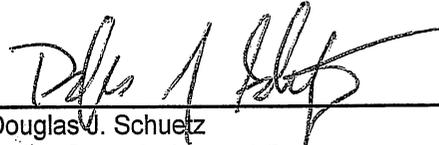
US Route 202 (Ramapo Road)

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 Normally we are not in favor of having inadequate parking for a site that has access to a State highway, as this could impede the safe and efficient flow of traffic and create unsafe access conditions, multiple movements to and from the roadway, and result in the need for parking within the State right-of-way. However, given the fact that one of the units will be housing a religious use, which will have different peak hours of operation, shared parking would be possible, thereby alleviating the need for all of these parking spaces in the same time frame. The Village of West Haverstraw must monitor this site to ensure that the on-site parking is sufficient, and that no parking occurs within the State right-of-way. If at any time in the future it is found that insufficient parking exists, or if the religious use were to change to a use that has peak hours of operation similar to the office and ice cream parlor, then the applicant must provide alternate offsite parking arrangements with an adjacent or nearby user to ensure that parking does not occur within the State right-of-way. A parking agreement would be required by the applicant, and sidewalks provided to the alternate offsite parking area(s) to ensure the safety of the pedestrians along this heavily-traveled highway.

SHEEN REAL ESTATE, LLC (WH-145F)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor John Ramundo, West Haverstraw
New York State Department of Transportation
Atzl, Nasher & Zigler PC

**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.