COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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Deputy Commissioner

September 24, 2014

West Haverstraw Village Board
130 Samsondale Avenue
West Haverstraw, NY 10993

Tax Data: 20.19-7-38 to ! 20.19-7-37 20.19-7-7 20.19-7-6 20.19-7-54

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

Map Date: 8/19/2014 **Date Review Received:** 8/26/2014

Item: ***VILLAGE OF WEST HAVERSTRAW-R-3 TO C; EXP. MIXED RES. & COMM. (WH-167)***

Zone change application to rezone 2.86 acres from R-3 to C for properties along the west side of Cosgrove Avenue; text amendment to extend and expand the special permit use (mixed residential and commercial) to include the east side of State Route 9W from its intersection with Railroad Avenue north to the southerly boundary of Grace Avenue.

West side of Cosgrove Avenue, north side of Railroad Avenue; east side of US Route 9W, north side of Railroad Avenue, south side of Grace Avenue

Reason for Referral:

US Route 9W, Railroad Avenue, Helen Hayes Hospital, Town of Haverstraw

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 comments and concerns raised in the New York State Department of Transportation letter dated August 28, 2014 must be addressed. All future required permits must be obtained.

2 A review must be completed by the County of Rockland Department of Highways and any raised concerns or issues addressed.

VILLAGE OF WEST HAVERSTRAW-R-3 TO C; EXP. MIXED RES. & COMM. (WH-167)

3 Since the parcels to the north, and across the street of Cosgrove Avenue will remain in the R-3 zoning district, as part of the zone change, buffer requirements, landscaping and/or some type of screening should be required. This will help to better shield the commercial uses from impacting the existing residential uses. It is noted that the conceptual site plan for the storage for Shultz Ford does depict landscaping along the boundaries adjacent to the residentially zoned properties.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor John Ramundo, West Haverstraw
New York State Department of Transportation
Rockland County Department of Highways
Helen Hayes Hospital
Atzl, Nasher & Zigler P.C.
Town of Haverstraw

**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.