



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

September 29, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 20.19-7-54 20.19-7-6

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

Map Date: 8/2/2014

Date Review Received: 8/29/2014

Item: *WEST HAVERSTRAW, LLC (WH-168A)*

Special permit and variances to permit an accessory outdoor storage area for new vehicles for an existing dealership on the adjoining parcels, on two lots combined that total .9 acres and are located in the R-3 zoning district, but a zone change application has been submitted to rezone the parcels to the C zoning district. Variances required include: less than required minimum buffer along a residential district, and greater than permitted maximum impervious coverage.

~~West~~ East side of Cosgrove Avenue, approximately 20 feet north of Center Street

Reason for Referral:

US Route 9W, Helen Hayes Hospital

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 (NYS DOT) and all required permits obtained. The concerns raised in the NYS DOT August 28, 2014 letter for the proposed zone change and text amendment regarding the potential of the site being used as a cut-through and any potential increase in traffic entering and exiting the current driveways on Route 9W must be addressed.

2 A 34% increase in the maximum lot coverage is being requested by the applicant. Almost the entire site is proposed to be paved, and only peripheral landscaping proposed. To reduce the impervious surface areas, pervious pavers or other type of pavement must be installed.

WEST HAVERSTRAW, LLC (WH-168A)

3 There shall be no net increase in the peak rate of discharge from the site at all design points. Since more of the site is proposed to be paved, are detention basins required? This must be determined and implemented if required.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor John Ramundo, West Haverstraw
New York State Department of Transportation
Helen Hayes Hospital
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.