

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 22, 2016

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

Tax Data: 26.07-5-70

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

Map Date: 3/24/2016

Date Review Received: 3/30/2016

Item: *THE FILLING STATION (WH-174A)*

Revised site plan for the proposed construction of a pergola and patio for outdoor dining, and to enclose an area used for utilities and the dumpster with a chain link fence, for a restaurant located in an existing shopping center in the C zoning district on 9.78 acres.

West side of US Routes 9W/202, south side of Kennedy Drive

Reason for Referral:

US Routes 9W/202, Minisceongo Creek, Village 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 An updated review shall be done by the New York State Department of Transportation, and all required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Health and all required permits obtained.
- 3 The Village of Haverstraw is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the centerline of US Routes 9W/202 and the Minisceongo, just south and east of the site. As required under Section 239nn of the State General Municipal Law, the Village of Haverstraw must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of West Haverstraw.
- 4 The proposed sign must conform to the Village's sign standards.

THE FILLING STATION (WH-174A)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Robert D'Amelio, West Haverstraw
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Health

Atzl, Nasher & Zigler P.C.
Village 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.

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.