

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 2, 2016

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

Tax Data: 26.05-2-52

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/29/2015

Date Review Received: 4/19/2016

Item: *HUDSON HIGHLANDS (WH-176)*

Site plan for the proposed demolition of an existing dwelling, and installation of utilities and an emergency access to service the Hudson Highlands multi-family development located on the adjacent parcel to the west, in the Town of Haverstraw. The subject site is located in the R-2 zoning district and is comprised of .23 acres.

West side of Barnes Street, approximately 315 feet southwest of the intersection with Captain Shankey Drive

Reason for Referral:

Town of Haverstraw, Minisceongo Creek County Park

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 Town of Haverstraw is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the western property line of the site, where the multi-family housing development is proposed. Since a portion of the proposed roadway is located within the Town of Haverstraw, a joint review must be done by them to ensure that the proposed road location, retaining walls, tie-in to the main site, and grading meet their requirements. All required permits and approvals must be obtained.

2 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

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- 3 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 4 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 5 The County of Rockland Office of Fire and Emergency Services or the local fire department must review the proposed emergency access to ensure that design meets their standards and needs.
- 6 We request the opportunity to review the entire site plan for the subject site, both in the Village of West Haverstraw and the Town of Haverstraw, for the proposed senior housing development.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Robert D'Amelio, West Haverstraw
Rockland County Division of Environmental Resources
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services

Atzl, Scatassa & 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.

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.