Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 25, 2016

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

Tax Data: 26.10-4-2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/10/2016 **Date Review Received:** 4/29/2016

Item: ***J & R AUTOMOTIVE (WH-173C)***

Special permit to allow the re-instatement of a service station use without gas pumps, for a parcel located in the C zoning district on .51 acres. An existing one-story, block garage currently exists on the site.

South side of Ramapo Road (NYS Route 202), approximately 92 feet west of Hurd Avenue

Reason for Referral:

NYS 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 The applicant must meet all of the criteria for the special permit use as required under section 250-76.

2 A review shall be completed by the New York State Department of Transportation and all required permits obtained.

3 Only 13 of the 22 required parking spaces are being provided on the site. We are concerned with the need for a parking variance for the site, particularly since the site is located on a heavily traveled State highway. The Village of West Haverstraw must monitor the site to ensure that sufficient parking is provided on the site. Under no circumstances are vehicles to park along US Route 202 or within the State right-of-way. In order to ensure that parking does not become a problem in the future, the applicant must find an alternate off-site location to store the vehicles if needed. This must consist of a written agreement.

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4 A review shall be completed by Orange & Rockland Utilities and any raised concerns addressed.

5 Only a 25 foot wide buffer area is being proposed along the southern property line adjacent to the R-3 zoning district. Based on the plans submitted, seems that there is more room available for a wider buffer. The buffer area should be expanded, to the extent possible, to provide a larger buffer to this adjacent residence.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Robert D'Amelio, West Haverstraw
New York State Department of Transportation
Orange and Rockland Utilities

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.

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.