Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 19, 2016

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

Tax Data: 20.20-1-32

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 11/14/2016 **Date Review Received:** 11/21/2016

Item: ***TOKEN, INC. (WH-155B)***

site plan to permit a reduction in the size of the commercial area of the 1st floor so that an additional apartment can be added to the building. Currently two apartments are located on the 2nd floor, and only commercial space on the 1st floor. Variances for front setback, side setback, buffer along the R-3 zoning district, and number of dwelling units are required to implement this proposal. The parcel is located in the C zoning district on .455 acres.

North side of Railroad Avenue, east side of Benson Street

Reason for Referral:

Railroad Avenue (CR 94)

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 must be completed by the County of Rockland Department of Highways and any concerns addessed and required permits obtained.

2 We caution the Village to consider the implications of setting a precedent if the additional apartment is permitted on the first floor, as other similar commercial uses in the C zoning district may also request this conversion. Onsite parking, accessibility, and other issues must be considered when making this or other determinations.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Robert D'Amelio, West Haverstraw
Rockland County Department of Highways

TOKEN, INC. (WH-155B)

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.