

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: 20.19-7-54 20.19-7-49 20.19-7-48 20.19-7-6

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

Map Date: 3/17/2016

Date Review Received: 3/30/2016

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

Site plan for the proposed construction of a 13,950 sq. ft. addition, to be used for a new service department, offices, and drop off service, to an existing showroom and offices for a car dealership located in the C zoning district on a total of 3.2 acres.

East side of US Routes 9W/202, approximately 153 feet south of Grace Avenue, west side of Cosgrove Avenue, just north of Center Street

Reason for Referral:

US Routes 9W/202, 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 and all required permits 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.
- 3 A landscaping plan shall be submitted for review. Low evergreen landscaping must be provided in front of the parking spaces facing the roadway to shield headlights from shining into oncoming vehicles traveling on the road.
- 4 A lighting plan shall be submitted for review. No lighting shall shine beyond the property line.
- 5 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

WEST HAVERSTRAW REALTY, LLC (WH-168D)

- 6 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 7 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.
- 8 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 9 The square footage of the existing and proposed addition should be added to the site plan. Parking calculations, based on the square footage should also be provided.
- 10 Areas dedicated for snow piles must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect any landscaping proposed from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designating specific locations on the site for the snow piles will eliminate the loss of parking spaces meant for the patrons and employees of the dealership.
- 11 The March 25, 2016 narrative that was submitted with the site plan indicates that a 13,950 sq. ft. addition is proposed, while the application form indicates that a 18,900 sq. ft. addition is planned. This discrepancy must be corrected.
- 12 It is not clear if a variance for a buffer is required for the proposed site plan, as 50 feet is required, and only three feet is proposed. This must be clarified. If any variances are required, then we request the opportunity to review the application when it is submitted to the Village.



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Acting Commissioner of Planning

cc: Mayor Robert D'Amelio, West Haverstraw
New York State Department of Transportation
Helen Hayes Hospital
Rockland County Department of Health
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.