



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 27, 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: 5/20/2016

Date Review Received: 6/1/2016

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

Site plan for a proposed 14,914 sq. ft. service addition to be used for a new service department, offices and drop-off service, for an existing showroom and offices for an automobile dealership located on 2.48 acres in the C zoning district.

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 An updated review shall be done by the New York State Department of Transportation, and all required permits obtained.
- 2 An updated review must be done by the Rockland County Department of Health to ensure compliance with the County's Mosquito Code.
- 3 It should be clarified if the existing vegetation along the southern property line will remain. If this is to be removed, then additional landscaping must be supplemented to help shield the commercial use from the adjacent use.
- 4 A lighting plan shall be provided that shows fields of illumination. Lighting shall not shine beyond the property line or into the State highway.

WEST HAVERSTRAW REALTY, LLC (WH-168E)

- 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.
- 6 The Fire Truck Routing Plan lacks details to the northern portion of the site, by the Service and Parts building. This must be addressed.
- 7 All proposed signage shall conform to the town's sign standards.
- 8 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.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 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.



Douglas J. Schuetz
Acting Commissioner of Planning

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