

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

June 27, 2016

West Haverstraw Zoning Board of Appeals
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-168F)**

Variations to permit the proposed construction of a 14,914 sq. ft. addition, to be used for a new service department, offices, and drop-off service, to an existing showroom and offices for a automobile dealership located in the C zoning district on a total of 2.48 acres. Required variances include greater than permitted impervious lot coverage, and less than the required buffer and parking.

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 With regard to the variance for maximum impervious coverage, we offer the following comments: The impervious coverage is greater than permitted by 30%, and the site is almost completely paved, with little landscaping. To help reduce the development coverage, pervious pavers or other materials must be provided where possible on site. This could include the sidewalk areas and the storage areas for the new vehicles.

2 The bulk requirements table lists the maximum impervious coverage, and shows an asterisk after the measurement. The asterisk footnote indicates that a variance is required for the existing condition along the west side of tax lot 20.19-7-5. This footnote does not seem to correspond with this variance. The asterisk and/or footnote must be changed.

WEST HAVERSTRAW REALTY, LLC (WH-168F)

3 With regard to the variance for the required buffer, we offer the following condition: The measurement for the buffer must be notated on the site plan so that it is apparent where the 3 foot measurement is being taken.

4 Aerial photography taken in 2013, and other previous years, shows many new vehicles stacked and parked along the property boundary to the adjacent residential use. To reduce the impact of the commercial use to his residence, particularly since the 50 foot buffer is deficient by 94%, no parking can be allowed directly adjacent to this property boundary.

5 With regard to the variance for parking, we offer the following comments: Parking is deficient on site by almost 28%. Given the fact that the site is located directly on a heavily-traveled State highway, no overflow parking is permitted within the State right-of-way. In addition, as mentioned above, no parking can be permitted in the area located adjacent to the residential use.

6 The Village of West Haverstraw must monitor the site to ensure that the site can sufficiently accommodate the needed parking. If it is found that the site needs additional parking, then an off-site arrangement must be made.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Robert D'Amelio, West Haverstraw
New York State Department of Transportation
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.