Rockland County

Ed Day, Rockland County Executive

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 Planning Board
130 Samsondale Avenue
West Haverstraw, NY 10993

Tax Data: 26.11-1-6.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 4/1/2016 **Date Review Received:** 6/1/2016

Item: ***ROBERT WHITE (WH-56B)***

Site plan for the proposed demolition of an existing residence, and construction of a new single-family residence, generally on the same footprint, located on .17 acres in the R-3 zoning district. A variance for side yard is required.
North side of US Route 202, approximately 300 feet east of Hasbrouck Drive

Reason for Referral:

US Route 202, High Tor State Park, Village of Haverstraw, Town of Haverstraw

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, any concerns addressed, and any required permits obtained.

2 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

3 The bulk table for the existing dwelling indicates that the lot area is 7,500 sq. ft., while the lot area for the new dwelling is listed as 8,500 sq. ft. The correct lot area must be provided.

4 The existing bulk table has a footnote with one asterisk to indicate "existing condition" yet the minimum side setback column shows two asterisks. The table must be corrected to reflect the footnote for the variance.

5 The current bulk table has a footnote with one asterisk to indicate "variance required" yet the minimum side setback column shows two asterisks. The footnote must be corrected to reflect the symbol shown in the table.

ROBERT WHITE (WH-56B)

6 The narrative indicates that the right wall of the proposed structure is within the required side yard, and has provided between 51 and 52.3 feet for this yard measurement. The yard measurement on the site plan has this yard measured to be 41.1 feet, though it appears to be actually 51.1 feet. The site plan must be corrected to reflect the accurate measurement.

7 The site plan is lacking several features that must be provided. These features include a valid seal, map notes, a north arrow, and a legend.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Robert D'Amelio, West Haverstraw
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Health

Anthony R. Celentano P.L.S.
Town of Haverstraw
Village of Haverstraw

**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.