Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 2, 2017

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

Tax Data: 26.06-2-5

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/23/2017 **Date Review Received:** 2/2/2017

Item: ***IGLESIA PENTECOSTAL RIOS DE AGUA VIVA (WH-178D)***

Site plan for the proposed conversion of two existing buildings located on .36 acres in the C zoning district. The two-story, 2,230 sq. ft. building, which currently houses two businesses and two residential units, will be converted to a rectory/parsonage. The one-story building, located to the rear of the property, and which had been used as a tire retailer and installer business (but is now vacant), will be converted to a church use. Multiple variances are required for the proposed uses.

South side of Suffern Lane/West Railroad Avenue, across from Madison Avenue

Reason for Referral:

Suffern Lane/W. Railroad Avenue (CR 94), N. Central Highway/Main Street (CR 33), Minisceongo Creek, Minisceongo Park, 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 As indicated in the November 29, 2016 letter from the Rockland County Highway Department, a Work Permit is required prior to any changes to the site.

2 An updated review must be completed by the Rockland County Division of Environmental Resources, and any comments or concerns addressed.

3 Since a portion of the rear building will be demolished, an updated review must be completed by the Rockland County Drainage Agency, and all required permits obtained.

IGLESIA PENTECOSTAL RIOS DE AGUA VIVA (WH-178D)

4 The Town of Haverstraw is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 330 feet northwest of the northern property line of the site. As required under Section 239nn of the State General Municipal Law, the Town of Haverstraw must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of West Haverstraw.

5 All existing signage must meet all requirements of the Village's Sign Standards.

6 Pervious pavers should replace the impervious pavement that currently exists on site, wherever possible, to help reduce the degree of the impervious coverage variance. The six stacked parking spaces could be replaced with the pervious pavers to help reduce the impervious coverage on the site.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Robert D'Amelio, West Haverstraw
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Division of Environmental Resources

Atzl, Nasher & Zigler P.C.
Town of Haverstraw Planning Board

**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.