

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 6, 2017

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

Tax Data: 20.19-7-44

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

Map Date: 7/26/2017

Date Review Received: 8/9/2017

Item: *LEARNING LADDER CHILD CARE CENTER - PLAYGROUND (WH-181)*

A site plan application for an accessory playground for a child care center on an adjacent property on 0.23 acres in the C zoning district.

The eastern side of US Route 9W/202, approximately 250 feet north of East Railroad Avenue.

Reason for Referral:

East Railroad Avenue/West Railroad Avenue (CR 94), US Route 9W/202

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 Section 250-6 of the Village of West Haverstraw zoning regulations states that an accessory building or use is "A building or use clearly identical or subordinate to, and customarily in connection with, the principal building or use on the same lot." A property cannot have an accessory use without a principal use. The subject property and the lot containing the principal use (the child care center) must be combined into one lot in order for the playground to be approved as an accessory use. If the lots are not combined, then a use variance must be sought.
- 2 The site plan does not provide any details as to the nature and location of the play equipment and surfaces. This information must be provided to determine if the property is in compliance with the maximum impervious coverage requirement.
- 3 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 4 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.

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5 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

6 As children and staff must cross an active driveway to access the playground, it is of critical importance that a clearly marked crosswalk be installed. The proposed crosswalk and signage must be installed, and the village must consider requiring the installation of speed humps, additional signage, or other traffic calming devices.



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Acting Commissioner of Planning

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

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.