

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 20, 2017

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

Tax Data: 20.19-7-37

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 10/3/2017

Date Review Received: 11/6/2017

Item: *THIRD NEW JERUSALEM CHURCH - 1 COSGROVE AVENUE (WH-167A)*

A site plan application to convert an existing school building to a place of worship use on 1.65 acres in the C zoning district. Improvements include interior renovations, increasing the number of parking spaces from 45 to 84, and creating an additional exit-only access to Railroad Avenue.

The northwestern corner of Cosgrove Avenue and East Railroad Avenue

Reason for Referral:

East/West Railroad Avenue (CR 94), 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 A review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.
- 2 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 3 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 4 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 5 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.

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6 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

7 As required by the Village's zoning regulation 250-25.C(2), a hedge must be planted along the parking area to provide screening for the residential zoning district located across Cosgrove Avenue. Additionally, the Village must consider requiring similar landscaping along the side and rear property lines, as some neighboring properties are used for residential purposes. A revised landscaping plan must be submitted for review.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Jay A. Greenwell, PLS, LLC

**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.