

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 1, 2017

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

Tax Data:

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

Map Date:

Date Review Received: 4/12/2017

Item: *VILLAGE OF WEST HAVERSTRAW - RETAIL SALES FROM TEMPORARY TENTS (WH-179)*

Zoning Code Amendment to allow retail sales from temporary tents, canopies, and or membrane structures in the C zoning district. The parcels must have a minimum lot area of 40,000 sq. ft. and a paved parking or other contiguous open paved area of at least 10,000 sq. ft., with sufficient remaining parking on site to meet the practical needs of the principal use of the property.

Throughout the Village along US Routes 9W and 202

Reason for Referral:

US Route 9W and 202, Railroad Avenue (CR 94), Minisceongo Creek, Helen Hayes Hospital, Town of Stony Point, Village 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:

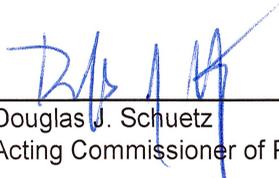
****Recommend the following modifications***

- 1 A review shall be completed by the New York State Department of Transportation, and any concerns addressed.
- 2 A review must be completed by the County of Rockland Department of Highways, and any comments or concerns addressed.
- 3 A review must be completed by the County of Rockland Drainage Agency, and any comments or concerns addressed.
- 4 A review must be completed by Helen Hayes Hospital and their comments considered.

VILLAGE OF WEST HAVERSTRAW - RETAIL SALES FROM TEMPORARY TENTS (WH-179)

5 The Town of Stony Point and the Village of Haverstraw are two of the reasons this proposal was referred to this department for review. As required under Section 239nn of the State General Municipal Law, these municipalities must be given the opportunity to review the proposed zoning code amendment, and provide any concerns related to the project to the Village of West Haverstraw.

6 On page 2 of the Local Law, Section 250-14(3)(a)(2) must be corrected to have the number "10" in the parenthesis instead of the number "1".



Douglas J. Schuetz
Acting Commissioner of Planning

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

Town of Stony Point
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.