

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 15, 2018

West Haverstraw Zoning Board of Appeals
130 Samsondale Avenue
West Haverstraw, NY 10993

Tax Data: 20.20-2-48

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

Map Date: 4/13/2018

Date Review Received: 4/20/2018

Item: *MAURICE & VERONICA LENT (WH-185)*

Variances to permit an upper story addition to an existing single-family dwelling located in the R-3 zoning district on .23 acres. Required variances include: front setback and side setback. The public hearing notice also indicates that a variance is required for total side setback.

West side of South Wayne Avenue, approximately 240 feet south of E. Railroad Avenue

Reason for Referral:

E. Railroad Avenue (CR 94)

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 There are several deficiencies on the site plan prepared by Anthony R. Celentano P.L.S., that was provided with the application. The map has been reduced, is difficult to read, and therefore not to scale. A vicinity map must be provided on the site plan, that contains both a north arrow and scale. In addition, map notes must be provided that contain district information. These items must be corrected/provided.
- 2 A review must be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.
- 3 The public hearing notice indicates that a variance is required for total side setback, yet indicates that 45 feet is provided, when only 25 feet is required. It must be clarified if a variance is required for this yard measurement.
- 4 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

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5 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.


for Douglas J. Schuetz
Deputy Acting Commissioner of Planning

cc: Mayor Robert D'Amelio, West Haverstraw
Rockland County Department of Highways

Anthony R. Celentano P.L.S.
Robert Murphy Architect

**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.