Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 6, 2018

West Haverstraw Zoning Board of Appeals
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: 4/4/2018 **Date Review Received:** 5/8/2018

Item: ***GEORGE MARGIOTTA (WH-178G)***

Variances and special permit to re-establish a former auto tire and repair shop on a .36-acre parcel located in the C zoning district. Since the use ceased, for longer than one year, re-approvals are required. Needed variances include less than the required lot area, lot width, front setback, side setback, total side setback, rear setback, buffer along the R-2 zoning boundary, and parking; and greater than permitted impervious coverage.
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 A review must be completed by the County of Rockland Department of Highways and any concerns addessed and all required permits obtained.

2 A review must be completed by the County of Rockland Drainage Agency and any comments addressed and required permits obtained.

3 A review must be completed by the County of Rockland Division of Environmental Resources and any comments or concerns addressed.

GEORGE MARGIOTTA (WH-178G)

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 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.

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

7 The areas of the building that encroach over the property line must be removed.

8 The Village of West Haverstraw must monitor the site to ensure that adequate parking is provided on site. Under no circumstances can vehicles be parked along the county highway.

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 Zoning Board of Appeals

**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.