

**DEPARTMENT OF PLANNING**  
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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

October 7, 2020

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

**Tax Data:** 20.19-7-46

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

**Map Date:** 9/11/2020

**Date Review Received:** 9/14/2020

**Item:** *ROBERT D'AMELIO - 20 NORTH ROUTE 9W (WH-167C)*

A special permit application to allow a commercial and residential mixed use within an existing structure on 0.62 acres in the C zoning district. A commercial painting contractor use is proposed for the basement, with a single residential unit above. No site changes are proposed, and no variances are required.

The eastern side of US Route 202/9W, approximately 390 feet north of Railroad Avenue

**Reason for Referral:**

US Route 202/9W, East and West Railroad Avenue (CR 94), 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 shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2 All commercial materials and supplies shall be stored inside the structure. There shall be no outdoor storage of materials or supplies.
- 3 Village regulations allow parking of commercial vehicles of up to 12,000 pounds on site. The Village shall ensure that the idling of any commercial vehicles stored on site is prohibited, particularly since the southernly adjacent property is used as a daycare facility.
- 4 All proposed signage shall be indicated on the site plan and shall conform to the Village's sign standards.
- 5 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.

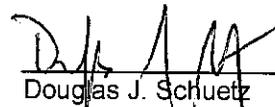
**ROBERT D'AMELIO - 20 NORTH ROUTE 9W (WH-167C)**

6 The application materials provided included two site plans. One was dated August 17, 2020, another was revised on September 11, 2020. All materials must be consistent. The application must be amended to include only the most up-to-date site plan.

7 The Village shall be satisfied that the proposed mixed use complies with the general standards for special permit uses outlined in Section 250-75.C, and the specific standards and requirements for mixed and commercial uses listed in Section 250-14.B(2)(a).

8 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.

9 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.



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  
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.*