

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 22, 2017

Haverstraw Town Board
One Rosman Road
Garnerville, NY 10923

Tax Data:

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

Map Date:

Date Review Received: 5/24/2017

Item: *TOWN OF HAVERSTRAW - GATHERING PLACES (H-254A)*

Local Law Amendment to add a new special permit use, Gathering Place, along with definitions, bulk requirements, and procedures for application. This amendment will help to address the need for a new use and additional flexibility in managing residential properties for gathering of people in single family residences. This new use is applicable to all residential zones in the Town of Haverstraw: R-120, R-40, R-25, RG, and RMH.

Throughout the Town of Haverstraw

Reason for Referral:

Towns of Ramapo and Stony Point, Villages of Haverstraw, Pomona, and West Haverstraw, State and County parks, county streams, State and County roads, Long Path, Helen Hayes Hospital, Letchworth Village

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 The definition for Gathering Place has been expanded to provide specific numbers of persons permitted to gather, depending on the square footage of the residence. Houses that are 1,500 sq. ft. or less can be permitted to have gatherings of up to 16 persons; and houses that are over 1,500 sq. ft. are permitted to have gatherings of up to 26 persons - without the need for a special permit use. We question why the Town does not want to regulate gatherings that meet the above criteria as special permit uses, as parking and fire/safety issues are still issues that must be reviewed. In addition, no mention is made as to whether a site plan review is required for these non-special permit Gathering Place uses. We recommend that all gathering places require a special permit from the Planning Board, regardless of the size of the gathering/house. We also recommend that the Haverstraw Planning Board be required to conduct a site plan review for all Gathering Places. This review will ensure that sufficient parking is provided, as well as provide the ability for the Town to be able to assess the site layout for gathering places.

TOWN OF HAVERSTRAW - GATHERING PLACES (H-254A)

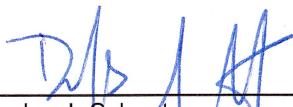
2 One of the substantial changes with the revised Local law has been the removal of the reference to religious uses altogether, and instead replacing the language with "gatherings of people." It is not clear why the Local Law language was not just expanded to include other uses, while still retaining the reference to religious uses. As it is likely that the special permit applications will be comprised mostly of religious uses, this particular use, along with any other potential uses that may be significant in number, should be specifically cited.

3 The revised Local Law now only requires that the plans be prepared to scale, with certification by the individual preparing the plan, that it is an accurate representation of the conditions, and that it does not need to be signed and sealed by a licensed professional. We question why the Town would not want to require the plans to be prepared by a licensed professional. How will such issues as square footage, parking requirements, etc. be determined without such? We recommend that a licensed professional, with signed and sealed plans, be required.

4 In our previous review of the Local Law, we raised the concern of change of ownership for the use of neighborhood driveway parking for the gathering place. The revised Local Law does address this issue better. However, to be certain that the use does not continue if adequate parking is not provided, the special permit use should be rescinded until such time as the new neighbors grant permission for their driveway to be used for parking. Once this action has occurred, a new special permit can be reviewed for the gathering place.

5 Attachments 3, 4, 5, 6, 7, and 8 for the Table of General Use Requirements must be modified to add a new column for a Special Permit of the Planning Board for this new Gathering Place use.

6 The Local Law is proposing to amend Attachment 2, Table of Bulk Requirements. Since maximum building coverage and maximum total lot coverage are not currently listed in this Table, two new columns will need to be added. The need to add two additional columns to the Table of General Bulk Requirements should be cited in the Local Law amendment text.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Howard Phillips, Haverstraw

Towns of Ramapo & Stony Point
Villages of Haverstraw, Pomona
& West Haverstraw
Letchworth Village

**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.