

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 28, 2018

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: 10/25/2018

Item: *TOWN OF HAVERSTRAW - ASSISTED LIVING RESIDENCE FLOATING OVERLAY ZONE (H-263)*

Local Law Amendment for the special permit use, Assisted Living Residence (ALR) Floating Overlay Zone district. The intent of the revisions is to allow a larger building on bigger lots which can therefore provide additional setbacks and landscaping. Changes to the Local Law include: increasing the minimum lot area, lot width, street frontage, front yard, and landscaped area which are more restrictive amendments; permitting a higher building height, greater lot coverage and floor area ratio, which are less restrictive changes.

Throughout the Town along State highways

Reason for Referral:

State and county roads & parks, Long Path hiking trail, Towns of Ramapo & Stony Point, Villages of Pomona, West Haverstraw, Helen Hayes Hospital

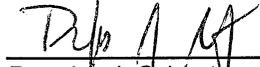
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

1 The intent of the proposed zoning code amendments is to permit a larger building on larger lots while providing additional setbacks and landscaping. This is being done by permitting the height to be increased by a story and/or ten feet and increasing the lot coverage and floor area ratio. The intent to permit a higher building while requiring a larger lot and setbacks seems to meet the intent of providing additional setbacks and landscaping. The parking requirement has increased as well slightly, which will increase the lot coverage. Since the maximum building coverage percentage did not change, the Town must verify that the percentages for each bulk ratio are feasible for a 4.5 acre site.

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2 The State Environmental Quality Review Negative Declaration provides a description of the proposed zoning code amendment for the assisted living residence floating overlay zone, and provides reasons supporting the determination. The existing and proposed amendments only discuss the special permit use of assisted living residences in the overlay zoning district. However, one of the reasons stated for supporting the Negative Declaration is that "...a separate environmental review will be performed... potential impacts related to the development of a site for a house of worship will be fully reviewed...". It is unclear how a specific environmental review for a house of worship is listed a reason for supporting this determination when only an assisted living residence is permitted with the overlay zone. This must be clarified and/or corrected.



Douglas J. Schuetz
Acting Commissioner of Planning

- cc: Supervisor Howard Phillips, Haverstraw
- New York State Department of Transportation
- Palisades Interstate Park Commission
- New York - New Jersey Trail Conference
- Rockland County Department of Highways
- Helen Hayes Hospital
- Rockland County Division of Environmental Resources

- Towns of Ramapo & Stony Point
- Villages of Pomona & West 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.