



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
*Acting Commissioner*

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

February 25, 2019

Haverstraw Town Board  
One Rosman Road  
Garnerville, NY 10923

<b>Tax Data:</b> 26.09-4-11	26.09-4-12	26.09-4-13
26.09-4-14	26.09-4-15	

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

**Map Date:** 12/16/2018

**Date Review Received:** 1/29/2019

**Item:** *WEST RAMAPO ROAD ASSISTED LIVING FACILITY (H-263A)*

A Local Law (No. 1 of 2019) to designate 4.88 acres, comprised of five parcels in the R-15 zoning district, as being in the Assisted Living Residence (ALR) Floating Overlay Zone District, in order to permit development of an ALR facility.

The eastern side of West Ramapo Road (NYS Route 202), opposite Parker Road.

**Reason for Referral:**

West Ramapo Road (NYS Route 202), South Central Highway (CR 33), High Tor State Park

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 effect of the proposed local law is to designate the subject parcels as within the Assisted Living Residence Floating Overlay Zone District. Any future development of an ALR facility will require an additional special permit application before the Town Board, a site plan review by the Town Planning Board, and a GML review by the Rockland County Planning Department for each action.
- 2 The text of the proposed local law refers to the Route 202 Floating Overlay Zone, not the Assisted Living Residence Floating Overlay Zone. The Route 202 Floating Overlay Zone does not include ALRs as a permitted use and has substantially different bulk requirements. The text must be amended to refer to the Assisted Living Residence Floating Overlay zone and to section 167-67.3 of the zoning regulations.
- 3 A review shall be completed by the New York State Department of Transportation and any comments or concerns addressed.
- 4 A review must be completed by the County of Rockland Department of Highways and any comments or concerns addressed.

**WEST RAMAPO ROAD ASSISTED LIVING FACILITY (H-263A)**

5 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

6 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process.

The bulk table of the concept plan provided, dated December 16, 2018, indicates that the required minimum landscaped area is 15% of the site. Section 167-67.3.B(2)(l) states the minimum landscaped area shall be 30% of the total site area. This must be corrected.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Howard Phillips, Haverstraw  
New York State Department of Transportation  
Rockland County Department of Highways  
Palisades Interstate Park Commission  
  
Atzl, Nasher & Zigler P.C.  
Town of Haverstraw Planning Board

*\*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.*