

**DEPARTMENT OF PLANNING**

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

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

December 15, 2016

Haverstraw Village Board  
40 New Main Street  
Haverstraw, NY 10927

**Tax Data:**

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

**Map Date:**

**Date Review Received:** 11/23/2016

**Item: VILLAGE OF HAVERSTRAW - PET CARE FACILITIES (VH-135)**

Zoning Code Amendments to add two new definitions and a new Section that pertain to Pet Care Facilities. This new use is proposed to be permitted by special permit in the HB zoning district.

Along US Route 9W

**Reason for Referral:**

US Routes 9W/202, Minisceongo Creek, High Tor State Park, Village of West 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 The Pet Care Facility use is proposed in only the HB zoning district. This district generally is located along US Routes 9W/202 in the Village. Several criteria are included that limit certain aspects of the use when adjacent to, or within 100 feet of a residentially zoned lot. These include: no outside animal runs or kennels, no parking in the side or rear yard, no dumpster for the disposal of fecal matter in the required yard, and no overnight boarding. These seem like reasonable limitations to protect the nearby residential property owners. However, it is not clear if a Pet Care Facility can be permitted when these restrictions are applied, since every HB zoning district is directly adjacent to a residentially zoned district. This must be clarified. If these restrictions would not permit a Pet Care Facility, or these specific facility components anywhere within the HB zoning district, then the text amendments must be revised, and/or these specific use allowances removed.
- 2 Parking standards should be provided for the proposed new use.

**VILLAGE OF HAVERSTRAW - PET CARE FACILITIES (VH-135)**

3 Sign standards must be provided for this new use.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Michael Kohut, Haverstraw Village  
New York State Department of Transportation  
Rockland County Drainage Agency  
Palisades Interstate Park Commission  
Village of 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.*