

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 6, 2017

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: 8/16/2017

Item: *VILLAGE OF HAVERSTRAW - SPECIAL PERMIT CRITERIA (VH-137)*

Zoning Code Amendment to establish Special Permit criteria for proposed Schools of General Instruction, Schools of Special Instruction, Educational Institutions with Accessory Housing, Places of Worship, Places of Worship with Accessory Housing, and Places of General Assembly; and to add specific definitions to the Village of Haverstraw Zoning Code.

Throughout the Village

Reason for Referral:

State and County roads, Minisceongo Creek, High Tor and Haverstraw Beach State Parks, Village of West Haverstraw, Towns of Clarkstown & 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 Two of the uses proposed to be permitted include "Accessory Housing" as part of the use. A definition should be added to the Section 245-3 "Word usage and definitions" for Village of Haverstraw Zoning Code for what is intended for "Accessory Housing."
- 2 All of the "Churches and similar places of worship, Sunday school buildings, parish houses and rectories" uses have been deleted from Column B for all of the zoning districts (R-1, R-1C, R-1T, R-2, R-3, PRD) that permitted this use by right. As part of the Zoning Code Amendment, the text should be modified to indicate that the other uses following this proposed deleted use will be re-numbered in column B.
- 3 The text for the HB Zoning District indicates that Accessory Housing to Schools of Special Instruction is to be added as #6. However, the Column to which it is being added is not specified, and a #6 already exists in Column D. The Column must be specified to which this use is being added, and a correct number for the use stated.

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- 4 The uses in Column B must be renumbered once the use is omitted for schools of special instruction or public (HB & CBD) or private and parochial schools; and child day-care centers (SP).
- 5 It should be noted that all of the proposed new uses by special permit in Column C should have an "*" after the use to indicate that it is a special permit use by the Village Board.
- 6 The use group "public, private and parochial schools; and child day-care centers" has been deleted from Column B for the SP zoning district. Is it the Village's intention to delete child day-care centers as a permitted use? This must be clarified. If not, then the text amendment must specify that only the first part of this use group is to be deleted from Column B.
- 7 The Parking Lot Landscaping should be expanded to require low evergreen landscaping or a berm to shield headlights from cars, when the parking spaces face a state or county highway, for both schools of general instruction and schools of special instruction.
- 8 It must be stated whether existing schools of general instruction or schools of special instruction must comply with the special permit requirements, and the renewal requirements.
- 9 Parking standards, similar to those in other zoning districts, should be established for public, private and parochial schools.
- 10 The definition for "Residential Places of Worship" should also be included in the main definition portion of the zoning ordinance.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Towns of Clarkstown & Haverstraw
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.