Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 3, 2020

Haverstraw Village 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: 2/11/2020

Item: ***VILLAGE OF HAVERSTRAW - ALLOW RESIDENCES IN THE PO ZONING DISTRICT (VH-146)***

A local law to amend the text of the Zoning Code, Chapter 245, to allow residences above nonresidential uses in the PO (Professional Office) zoning district by Special Use Permit.
The PO zoning district of the Village of Haverstraw

Reason for Referral:

Congers Avenue (US Route 9W)

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

The proposed amendment is consistent with the stated goals of the Rockland County Comprehensive Plan of promoting mixed-use development and expanding housing opportunities. In support of these goals, the County offers the following comments:

1 The proposed text of use 10, which is to be added to Column C of the existing Table of General Use Regulations for the PO District, refers to section 245.14. The text must be amended to refer specifically to subsection 245.14.H.

2 Section 245.14.H only refers to the CBD zoning district. It must be amended to also refer to the PO zoning district.

The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this points or may disregard it without any formal vote under the GML process.

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3 The online village code, posted by General Code at www.ecode360.com, contains a zoning district map that was last updated in June 1993. The Rockland County GIS portal contains a zoning district map for the Village of Haverstraw that was last revised in August 2017. The village should provide General Code with the most recently updated map.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Michael Kohut, Haverstraw 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.