Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
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April 14, 2016

West Haverstraw Village Board
130 Samsondale Avenue
West Haverstraw, NY 10993

Tax Data: 20.19-2-9 20.19-2-3 20.19-2-2 20.19-2-1 26.07-1-12 26.07-1-8
26.07-1-1 26.07-4-6 26.07-4-5 26.07-4-4

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date:

Date Review Received: 3/18/2016

Item: ***VILLAGE OF WEST HAVERSTRAW - NEW MLI & OSC ZONING DISTRICTS (WH-175)***

Zoning Code amendments and Zoning Map changes to allow the creation of two new zoning districts: MLI - Mixed Use Light Industrial; and OSC - Open Space Conservation. The new MLI zoning district is a special zoning district that authorizes the mix of uses and bulk regulations appropriate for the Garnerville Arts and Industrial Center's unique characteristics, including its multiple large 19th century industrial building, its suitability for adaptive reuse, its historic district designation, and campus type configuration. The new OSC district is to provide a passive open space corridor adjacent to the Minisceongo Creek, comprised of lands that had been zoned for development as PLI.

The new zoning for the MLI district is on the south side of W. Railroad Avenue, east side of Bridge Street, at the east end of Dye Street, and north side of Hunt Street; the new zoning for the OSC district is on the east side of US Routes 9W/202, south end of Melucci Court, west of the railroad right-of-way

Reason for Referral:

MLI - W. Railroad Avenue (CR 94), Minisceongo Creek, Helen Hayes Hospital; OSC - US Routes 9W/202, Minisceongo Creek, Village of 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 Both new zoning districts are located directly adjacent to the Minisceongo Creek, a county stream. The General Municipal Law Referral Form and the Lead Agency Notification letter must include the Rockland County Drainage Agency.

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2 The Lead Agency Coordination Letter, the Addendum to the Short Environmental Assessment Form, and the Referral Form list only one parcel for the new MLI zoning district. However, Section 3 of the proposed text (on page 4) lists seven parcels. Furthermore, the amount of acreage listed for the MLI District varies from 16.88 acres (Acreage of Parcel (s) - Referral Form) to 11 acres (Brief Project Description - Referral Form and Brief Description of Proposed Action on Page 1 of 3 of the Short Environmental Assessment Form). Lastly, the total acreage of both new zoning district sites is listed as 23.72 acres. It must be clarified which parcels comprise the new MLI zoning district, and the total acreage to be rezoned confirmed.

3 Section 250-15.2 D. on page 10 of the proposed zoning code amendments for the OSC zoning district lists the MLI district in the text. This must be corrected to be the OSC zoning district.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Robert D'Amelio, West Haverstraw
Rockland County Drainage Agency
Rockland County Department of Highways
New York State Department of Transportation
Helen Hayes Hospital

Village of 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.