

DEPARTMENT OF PLANNING

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March 21, 2017

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	26.07-1-1	26.07-4-6
26.07-4-5	26.07-4-4	26.07-1-12
26.07-1-8		

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

Map Date:

Date Review Received: 2/23/2017

Item: *VILLAGE OF WEST HAVERSTRAW - MLI & OSC AMENDMENTS (WH-175A)*

Zoning Code Amendments to the MLI and OSC zoning districts. The amendments include the following: 1) adding a new definition, restaurant, to the MLI zoning district; 2) adding a new permitted use, restaurant, to the MLI district; 3) creating two new General Use Tables, which reflect the uses permitted in the two zoning districts previously established; 4) amending the Schedule of Lot and Bulk Regulations to reflect the new uses previously adopted; and 5) repealing references to Mother-Daughter Uses, which are no longer permitted under the Code.

Along Railroad Avenue and the Minisceongo Creek

Reason for Referral:

Railroad Avenue (CR 94), Minisceongo Creek, US Routes 9W & 202, Village of Haverstraw, Helen Hayes Hospital

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 reference to the Uses Permitted by Right in Column B of Attachment 6 is Section 250-15.1[B][1]. This is technically incorrect and should be Section 250-15.1B.(1). This is also the case for the reference to the section of the code for columns C, E, and F. These should be reformatted correctly.

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2 The Local Law is amending the Village's Zoning Ordinance by adding a new Table of General Use Regulations applicable to the Mixed Use Light Industrial (MLI) zoning district. Column F of the table, Attachment 6, indicates that screening is required as per Section 250-15.1[E]. This section of the code refers to Parking Requirements, and there is no mention of screening. Screening references are provided in Section 250-15.1F. Attachment 6 must be corrected to reference the correct section of the code for screening.

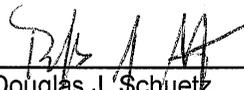
3 The zoning map for the Village of West Haverstraw must be updated with the new zoning districts. Neither the legend nor the actual map contain any information regarding these two new zoning districts.

4 The section referenced in Column B, Attachment 7, is noted as being Section 250-15.2[2]. This is incorrect, as the "B" is omitted, and should be changed to Section 250-15.2B.(2).

5 There are no parking requirements for the permitted uses in the Open Space Conservation (OSC) zoning district. The Village should consider the fact that residents may drive and park in order to use these facilities.

6 Section 250-15.2D. states the following: "Lot and bulk controls. All land in the MLI District shall be considered as a single zoning lot for purposes of bulk standards and for zoning purposes, divisions into separate tax lots shall be disregarded so long as all tax lots in the MLI District are maintained in common ownership. If a tax lot is transferred and held in separate ownership, then that tax lot shall be considered an individual zoning lot and shall be required to comply individually with the bulk standards set forth herein. (1) Minimum lot area: one acre." This seems out of place, and should rather be part of Section 250-15.1 which is the section of the code for the MLI zoning district.

7 The Village of Haverstraw was omitted in the Lead Agency Coordination Letter. This municipality must be added to the list, and provided with a chance to reply to Lead Agency status/coordination.



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.*

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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.

