

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 2, 2017

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

Tax Data:

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

Map Date:

Date Review Received: 4/14/2017

Item: *VILLAGE OF WEST HAVERSTRAW - NEW USES MLI ZONE (WH-175B)*

Zoning Code Amendment to add two new uses to the Mixed Light Industrial (MLI) zoning district: retail sales and catering facilities.

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 amendment to the Local Law states that the two new uses proposed are "(w) restaurants" and "(x) catering facilities." It is our understanding that the two new uses are "retail" and "catering facilities." The Local Law amendments to Chapter 250, Article IV, Section 250-15.1B.(1) must be corrected.
- 2 The E-code online lists uses up through the letter "t", but the Local Law Amendment is adding two new subdivisions "(w)" and "(x)". The Village of West Haverstraw must check what letters are the appropriate letters to use.
- 3 The Village of West Haverstraw Zoning Map, available online, still shows the "MLI" area as "PLI." The Zoning Map must be updated to reflect the new district boundaries.
- 4 We are not in receipt of the Public Hearing Notice. The Village of West Haverstraw must check to ensure that the correct new uses were listed in the notice.

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5 We are concerned that these additional uses will require more parking for the sites, especially since the site is located on a County Highway, Railroad Avenue. The Village must be assured that the site can accommodate all parking needs. Under no circumstances should overflow parking impact the safe and efficient flow of traffic along Railroad Avenue.



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

**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.