

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 15, 2018

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: 7/18/2018

Item: *VILLAGE OF WEST HAVERSTRAW - MINI STORAGE IN "C" ZONING DISTRICT (WH-187)*

A text amendment to the Village Zoning Code to add Ministorage as a special permit use in the C zoning district and amending the height restriction of Ministorage facilities in the PLI zoning district from 24 feet to 35 feet.

Throughout the village in the C and PLI zoning districts.

Reason for Referral:

State and County roads, County streams, County facilities, Helen Hayes Hospital, Town of Haverstraw, Town of Stony Point, 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 The proposed sections 250-14B(2) and 250-15B(2) refer to uses permitted by special permit of the Village Board, not the Zoning Board of Appeals, which could be interpreted to refer to the Village Board of Trustees. These sections must specifically refer to the Zoning Board of Appeals.
- 2 The Table of General Use Requirements for the C zoning district must also be amended to reflect the addition of Ministorage facilities as a use permitted by special permit, and must include a use group and parking requirements.
- 3 Ministorage facilities in the PLI zoning district are associated with the "L" use group, which is also the use group for all uses other than one-family dwellings, two-family dwellings, and mixed residential/commercial uses in the C zoning district. Ministorage facilities in the C zoning district will, presumably, be associated with the "L" use group and have the same parking requirements as those in the PLI zoning district. If the Village proposes to use a different set of bulk or parking requirements, then those requirements must be forwarded to the Rockland County Planning Department for an additional GML review.

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4 The referral form for General Municipal Law Reviews includes a sent date of September 15, 2017 and has a location of parcels description of "R-3 District. 4 Knox Street, See Survey Plan submitted herewith." In addition, the title of the proposed local law includes the year 2017, not 2018. These typos must be corrected.

5 Proximity to the Towns of Stony Point and Haverstraw and the Village of Haverstraw is one of the reasons this proposal was referred to this department for review. As required under Section 239 NN of the State General Municipal Law, these municipalities must be given the opportunity to review the proposed text amendments and provide any concerns related to them to the Village of West Haverstraw.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Town of Haverstraw Planning Board
Town of Stony Point Planning Board
Village of Haverstraw Planning Board

**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.