



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

July 22, 2014

ARLENE R. MILLER
Deputy Commissioner

New Hempstead Village Board
108 Old Schoolhouse Road
New City, NY 10956

Tax Data: 33.18-1-30

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

Map Date: 6/10/2014

Date Review Received: 6/20/2014

Item: *CAMBRIDGE HEIGHTS (NH-87L)*

Special permit application for an Active Adult Residential Community (ARC) consisting of 54 owner-occupied, semi-attached condominiums and a clubhouse on 9.7011 gross acres (9.6399 net acres) in a 1R-50 zoning district.

East side of Summit Park Road, 560 feet south of Pomona Road; south side of Pomona Road, opposite Station Road and 620 feet east of Summit Park Road.

Reason for Referral:

Pomona Road (CR 86), Town of Ramapo

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 Town of Ramapo is one of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along the northern property line of the subject site. This area of unincorporated Ramapo is zoned RR-80, a rural-residential zoning district. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas; drainage; community facilities; official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and such other measures as may relate to the public convenience, to governmental efficiency, and to achieving and maintaining a satisfactory community environment. In addition, Section 239-nn was

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enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result, development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the revised site plan.

2 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.

3 The Village shall be satisfied that this proposal complies with the special permit standards established for Active Adult Residential Communities.

4 Our records indicate that the original seven lots that made up this proposal have been merged into one lot (33.18-1-30). The Town of Ramapo Assessor's Office confirmed that a lot line disclaimer was filed in 2012. The seven lots are still listed on the June 10, 2014 site plan. Since the site is now comprised of just one tax parcel, only that lot should be listed.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Fred Brinn, New Hempstead
Rockland County Department of Highways
Leonard Jackson Associates
Town of Ramapo

Cambridge Heights Estate Holdings, LLC

**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.