



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

May 21, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 41.20-2-56 41.20-2-41

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

Map Date: 5/6/2013

Date Review Received: 5/6/2014

Item: *COLTON SCHOOL/BAIS MALKA & HASC, INC. (NH-112C)*

Special permit application to allow a girls school of religious instruction and a school for special needs children to continue to operate in a former public school building on 15.91 acres in the 1R-25 zoning district. An updated Short Environmental Assessment Form is included in the current submission.
South side of Grandview Avenue, opposite Sansberry Lane

Reason for Referral:

Grandview Avenue (CR 80), Town of Ramapo, Village of Wesley Hills

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:

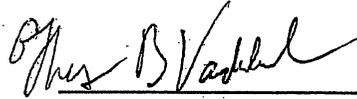
****Recommend the following modifications***

- 1 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 The Village Board shall be satisfied that the schools are compliant with the special permit standards outlined in Article 6 of the Zoning Code.

COLTON SCHOOL/BAIS MALKA & HASC, INC. (NH-112C)

3 The Town of Ramapo and the Village of Wesley Hills are two of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along the western property line of the site. The Wesley Hills municipal boundary is along Grandview Avenue immediately north of the site. 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; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was 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 and the Village of Wesley Hills 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 and the Village of Wesley Hills must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Mayor Fred Brinn, New Hempstead
Rockland County Department of Highways
Anthony R. Celentano P.E.
Town of Ramapo, Village of Wesley Hills

Bais Malka/HASC, Inc

**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.