



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

September 30, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 49.08-1-65 49.08-1-64

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

Map Date: 8/22/2014

Date Review Received: 9/4/2014

Item: *YEDEI CHESED, INC. (NH-116A)*

Site plan for the conversion of an existing church building for use by a not-for-profit corporation for its respite programs. Construction of a circular driveway and the installation of a chain link fence are the only exterior work proposed at this time. The 2.19-acre site is located in a 1R-40 zoning district. Southeast corner of Fessler Drive and Route 306

Reason for Referral:

NYS Route 306, 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 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of September 8, 2014.
- 3 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 4 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 5 The existing building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

YEDEI CHESED, INC. (NH-116A)

6 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector and the local fire district to ensure that there is sufficient maneuverability on-site for emergency vehicles.

7 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Route 306, immediately adjacent to 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 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 proposal.

8 The project narrative states that there are two existing parking spaces for the caretaker's cottage. These parking spaces are not clearly delineated on the site plan. The site plan must include a parking calculation indicating the on-site parking requirement for this use, as well as what is proposed.

9 The proposed site sign shall conform to the municipality's sign standards.

10 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line or onto the state road.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Fred Brinn, New Hempstead
New York State Department of Transportation
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Civil Tec Engineering & Surveying PC
Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration
Gershon Sabol, Executive Director

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

YEDEI CHESED, INC. (NH-116A)

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.

