



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

July 30, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 42.13-2-40

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

Map Date: 6/26/2014

Date Review Received: 7/8/2014

Item: *YESHIVA OF GREATER MONSEY (NH-81G)*

Special permit to allow the construction of a proposed 54,735 sq. ft. religious school in the 1R-40 zoning district on 4.89 acres. A waiver from the special standards for schools, Section 6.9.4, is also being requested.

South side of New Hempstead Road, opposite Ellington Way

Reason for Referral:

New Hempstead Road (CR 80)

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 A review must be completed by the County of Rockland Department of Health for the project's impact to the adjacent wells, and any required permits obtained.
- 3 Given that the site is directly adjacent to lands owned by United Water New York, and contains wells that service the drinking supply for the County, a review must be completed by United Water New York and any comments or concerns addressed.
- 4 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 5 The Village must be satisfied that all of the standards and requirements as described in Section 6.5 of the Zoning Ordinance for special permits have been adequately addressed and met.

YESHIVA OF GREATER MONSEY (NH-81G)

- 6 An updated traffic study for the proposed school must be provided.
- 7 A review must be completed by the County of Rockland Office of Fire and Emergency Services to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 8 The applicant repeatedly states that since the subject property is adjacent to a local park and lands owned by United Water New York and used as a water supply area, that the subject property should be exempt from some of the yard requirements. It is further indicated that these lands can serve as a buffer for the proposed school from the nearby individual homes. As a condition of the special standards for schools when adjacent to residential lot lines, at least twice the minimum yard requirement is needed, to help buffer the use. Ironically, it is because of these two land uses that we believe that this required doubling of yard set backs should be enforced. Parkland is public land that is there for the enjoyment of the community and neighborhood, and should have as much protection from development encroachment as a residential use. We normally request a minimum of a twenty-foot undisturbed, vegetated buffer area for any development project that abuts a State or County park so that not only is the visual integrity of the park preserved, but to also help to protect the existing vegetation and root systems from damage due to adjacent construction/on-site activities. Though this is a town park, we believe that the buffer area, or the doubling of the yard requirement would be beneficial so that the existing vegetation within the parkland is not disturbed or impacted.

In addition, the adjacent wells are on land that is there for the benefit of the public, and in fact, a well protection zone is located on the subject property, as a means to help protect these wellheads from contaminants. A wall is proposed directly adjacent to the United Water property line, and stairs and another wall are proposed less than five feet from the United Water property boundary; a basketball court, and a portion of the building are less than 30 feet from the property line also adjacent to the United Water property. We recommend that the Village consider these adjacent uses not as a buffer to serve the proposed school use, but rather as public uses that need to be better protected. The required doubling of yard standards must be enforced for this use.

- 9 A review must be completed by the New York State Department of State, Division of Code Enforcement and Administration, to ensure compliance with the New York State Uniform Fire Prevention and Building Code.
- 10 We are concerned with turning movements into the site for emergency vehicles. Fire trucks traveling west on New Hempstead Road will have difficulties accessing the site given the one-way entrance into the site from the west. A review shall be completed by the Moleston Fire District and/or the Hillcrest Fire Department, and any comments or concerns addressed.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Fred Brinn, New Hempstead
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Rockland County Planning Board
United Water of New York
Moleston Fire District
Leonard Jackson Associates

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Town of Ramapo Parks & Recreation
New York State Department of State,
Division of Code Enforcement and Administration

**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.

