



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

February 18, 2015

ARLENE R. MILLER
Deputy Commissioner

New Hempstead Village 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: 1/22/2015

Item: *YEDEI CHESED (NH-116B)*

Special permit application to allow a not-for-profit corporation to operate its respite programs in an existing church building on 2.19 acres 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 Special permit uses are by definition subject to a higher standard of review. The Village Board shall be satisfied that the proposed use conforms to the general standards, as well as the individual standards and requirements for special permit uses, outlined in Article 6 of the Zoning Law of the Village of New Hempstead.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of September 8, 2014.
- 3 The existing building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 4 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.

YEDEI CHESED (NH-116B)

5 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.

6 The August 27, 2014 project narrative submitted with the site plan for this proposal 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.



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.*

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.