

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 25, 2016

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

Tax Data: 42.06-1-1.5 42.06-1-1.4 42.06-1-1.3 42.06-1-1.2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 5/27/2016

Date Review Received: 6/30/2016

Item: *ATERES BAIS YAAKOV (NH-69S)*

Subdivision application to eliminate the existing lot lines and combine the four lots (three building lots and one road lot) into one 5.05-acre lot in the 1R-50 zoning district.
East side of Summit Park Road, 30 feet south of David Drive

Reason for Referral:

Dr. Robert L. Yeager Health Complex, Federal Wetlands

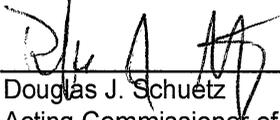
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 While a subdivision map was not submitted as part of this application, we relied on the December 3, 2015 "Survey of Property for Schlomo Associates & Developers, Ltd." to evaluate the proposed elimination of lot lines. Lot 42.06-1-1.5 is the Realm Court right-of-way originally proposed as part of the four-lot residential subdivision. This right-of-way extends along the entire Summit Park Road frontage including that of Lot 42.06-1-1.1. This single-family lot is not part of the Ateres Bais Yaakov assemblage or development proposal. An access easement will be required for Lot 42.06-1-1.1. This must be referenced in the project narrative, noted on the subdivision and site plan maps, and recorded with the County Clerk's Office.
- 2 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 3 A review must be completed by the Rockland County Department of General Services, Division of Facilities Management, and any raised comments or concerns addressed.

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- 4 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 5 The applicant must comply with the conditions of the Rockland County Health Department's letter of July 5, 2016.
- 6 An updated review of the May 27, 2016 site plan drawings must be completed by the Rockland County Drainage Agency. The applicant must comply with the conditions of the Drainage Agency's letter of March 24, 2016.
- 7 An updated review of the May 27, 2016 site plan drawings must be completed by the Rockland County Sewer District No. 1. The applicant must comply with the conditions of the Sewer District No. 1's letter of April 22, 2016.
- 8 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- 9 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 10 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 11 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.
- 12 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.



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Acting Commissioner of Planning

cc: Mayor Fred Brinn, New Hempstead
Rockland County Drainage Agency
Rockland County Department of General Services,
Division of Facilities Management
United States Army Corps of Engineers
Rockland County Department of Health
Rockland County Sewer District #1
Leonard Jackson Associates

Aaron Fink

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

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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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

