Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 22, 2016

New Hempstead Zoning Board of Appeals
108 Old Schoolhouse Road
New City, NY 10956

Tax Data: 41.20-1-15

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/30/2014 **Date Review Received:** 3/30/2016

Item: ***WAYNE BOBROW (NH-122)***

Variances for side yard, total side yard and building coverage to allow the construction, maintenance and use of an addition to a single-family residence on .5952 acres in a 1R-25 zoning district.
East side of Ashlawn Avenue, approximately 165 feet south of Grandview Avenue

Reason for Referral:

Grandview Ave (CR 80), 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 The Village of Wesley Hills is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Grandview Avenue, approximately 235 feet north of the site. As required under Section 239nn of the State General Municipal Law, the Village of Wesley Hills must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of New Hempstead.

2 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.

WAYNE BOBROW (NH-122)

3 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The applicant is seeking a 30 percent increase over the maximum permitted building coverage. The ability of the existing infrastructure to accommodate residences of this size is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development.

4 The site plan must include map notes.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Fred Brinn, New Hempstead
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Sewer District #1

Anthony R. Celentano P.L.S.
Village of Wesley Hills

Wayne and Rina Bobrow

**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.

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.