



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

November 21, 2016

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

**Tax Data:**

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

**Map Date:**

**Date Review Received:** 10/18/2016

**Item:** *VILLAGE OF NEW HEMPSTEAD/LOCAL HOUSE OF WORSHIP (NH-119A)*

Proposed amendments to Local Law 2 of 2015 which amended the Zoning Ordinance of the Village of New Hempstead to add a new special permit use, Local House of Worship, along with definitions, bulk requirements and procedures for applications.

Residential zones in the Village of New Hempstead

**Reason for Referral:**

State and County roads, County parks and facilities, and adjacent municipalities.

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***

We concur with the Village's intent to preserve the character of its residential neighborhoods while allowing Local Houses of Worship in single-family residences. Our greatest concern is the impact of increased traffic and potentially inadequate off-street parking on state and county roads, as well as adjacent municipalities. We therefore offer the following recommendations.

1 The definition of Local House of Worship must specify the percentage of the square footage of the residence that shall be occupied by this use, as in the Gathering Place definition.

## **VILLAGE OF NEW HEMPSTEAD/LOCAL HOUSE OF WORSHIP (NH-119A)**

2 In our August 4, 2015 GML review of the original version of this Local Law, we recommended that specific bulk standards be provided for this use. Number 3 of the current version of the Local Law states that the building should comply with all bulk and setback requirements of the zone. We recommend that the word "residential" be inserted before building. This version also includes a section entitled "Bulk Requirements" which references the "Bulk Table" with a footnote that states, "A Table of Bulk Regulations is needed for a Local House of Worship." This is a major deficiency. A new special permit use must have appropriate bulk standards attached to it.

3 The Bulk Requirements section includes the same language with regard to parking spaces about shielding neighboring property owners from noise and glare from headlights. This is insufficient. As recommended in our previous review, to help protect the adjacent residential properties, requirements must be provided for the provision of landscaping on site. Such provisions could require that low evergreen landscaping or a berm be provided to help shield the headlights of vehicles from shining into the adjacent property.

4 Existing and proposed school Local Houses of Worship must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

5 Sight distance must be evaluated for all proposals for Local Houses of Worship to ensure that parking along the minor roads will not create unsafe conditions. Signage requirements for "no parking zones" should be considered in the Local Law.

6 The adequacy of the off-street parking agreements with property owners within 500 feet of the subject site must be closely monitored. If these driveway spaces prove insufficient, the conditions of the special permit must be reevaluated. The maximum number of attendees must be reduced if numerous vehicles are parked along the street, particularly if the Local House of Worship is located on a state or county road, or in close proximity to an adjacent municipality.

7 Change of ownership must be addressed in the parking requirements section. If the ownership of a property within 500 feet of the gathering place changes, a new letter of authorization must be obtained to use their driveway for parking.

8 Specific sign requirements must be provided, particularly for sign area, height, and setback.

9 The comments in the July 24, 2015 letter from the Rockland County Department of Health must be addressed.

10 The conditions of the August 7, 2015 letter from the Rockland County Sewer District #1 must be satisfactorily addressed.

11 There are several municipalities that border the Village of New Hempstead, which could be affected by an adjacent property becoming a Local House of Worship. As required under Section 239nn of the State General Municipal Law, these municipalities must be given the opportunity to review the proposed Local Law amendment and provide any concerns related to the zoning ordinance changes to the Village of New Hempstead.

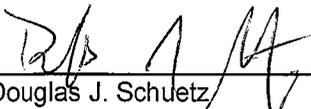
12 Number 13 does not require a site plan review by the Village Planning Board for existing local houses of worship if a special permit is applied for within 60 days of the filing of the subject Local Law. We believe a site plan review by the Planning Board is appropriate and must be required. The Planning Board is the more suitable board to undertake site plan reviews.

**VILLAGE OF NEW HEMPSTEAD/LOCAL HOUSE OF WORSHIP (NH-119A)**

13 The Procedures section must be revised to require site plan approval by the Planning Board rather than the Village Board. As noted above, the Planning Board is the more suitable board to undertake site plan reviews.

14 The special permit applications required for future Local House of Worship proposals are subject to a review by this department as mandated by the New York State General Municipal Law.

15 The site plan applications required for future Local House of Worship proposals are subject to a review by this department as mandated by the New York State General Municipal Law.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Fred Brinn, New Hempstead  
New York State Department of Transportation  
Rockland County Department of Highways  
Rockland County Department of General Services  
New York State Department of State  
Rockland County Department of Health  
Rockland County Sewer District #1  
  
Ramapo  
Pomona, Wesley Hills, Spring Valley, New Square  
  
Carole Vazquez, Village Clerk-Treasurer

*\*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.*