

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 17, 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/GATHERING PLACE (NH-118A)*

Proposed amendment to Local Law 1 of 2015 which amended the Zoning Ordinance of the Village of New Hempstead to add a new special permit use, Gathering Place, 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***

The proposed amendments to the local law are reasonable and well considered. We concur with the Village's intent to preserve the character of its residential neighborhoods while allowing for small religious gatherings 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.

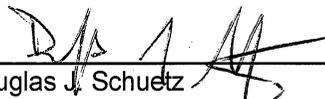
- 1 The adequacy of the off-street parking agreements with property owners within 300 feet of the subject site must be closely monitored. If these driveway spaces prove insufficient, the conditions of the special permit must be reevaluated. The maximum number of attendees must be reduced if numerous vehicles are parked along the street, particularly if the Gathering Place is located on a state or county road, or in close proximity to an adjacent municipality.
- 2 Change of ownership must be addressed in the parking requirements section. If the ownership of a property within 300 feet of the gathering place changes, a new letter of authorization must be obtained to use their driveway for parking.

VILLAGE OF NEW HEMPSTEAD/GATHERING PLACE (NH-118A)

3 The Procedures section must clearly state that site plan approval from the Village Planning Board is required, in addition to special permit approval by the Village Board. The original version of this local law specified that "site plan approval can occur as close to or in parallel to the special permit application." As written, the current version of the local law is vague with regard to whether site plan approval is required at all.

4 The special permit applications required for future Gathering Place proposals are subject to a review by this department as mandated by the New York State General Municipal Law.

5 The site plan applications required for future Gathering Place proposals are subject to a review by this department as mandated by the New York State General Municipal Law.



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

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.