



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

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

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

April 12, 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:** 3/9/2016

**Item:** *VILLAGE OF NEW HEMPSTEAD - REHABILITATION, RESPITE & TRAINING FACILITIES (NH-121)*

Zoning code amendment to add, as a special permit use, Rehabilitation, Respite and Training Facilities in the 1R-50, 1R-40, 1R-35, 1R-25, 2R-15, and LO zoning districts. A minimum of 10 acres is required for the new special permit use.

Throughout the Village

**Reason for Referral:**

State and County roads, County facilities, Villages of Wesley Hills, Pomona, New Square, and Spring Valley, 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 Parking requirements must be provided for this new special permit use for each zoning district.
- 2 The Village should consider adding a buffer requirement for the side and rear yards for this more intensified use. This buffer area should be undisturbed and left in its natural state, and should be in addition to the required yards.
- 3 The comments in the Rockland County Sewer District #1 letter dated March 16, 2016 must be addressed.
- 4 Signage requirements should be provided in the proposed zoning code amendment, especially since the majority of the zoning districts are residential.
- 5 Landscaping and lighting requirements should be specified in the zoning code amendments.

**VILLAGE OF NEW HEMPSTEAD - REHABILITATION, RESPITE & TRAINING FACILITIES (NH-121)**

6 The Village of Spring Valley should be listed as an adjacent municipality since they are immediately south of the village.

  
\_\_\_\_\_  
Douglas U. 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 Health  
Rockland County Sewer District #1  
Rockland County Department of General Services  
Division of Facilities Management  
  
Town of Ramapo  
Villages of New Square, Pomona, Spring Valley  
& Wesley Hills

*\*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.*