

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

March 21, 2017

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: 8/19/2016

Date Review Received: 2/7/2017

Item: 306 GRANDVIEW COMMONS/NEIGHBORHOOD COMMERCIAL ZONING DISTRICT (NH-125)

Proposed Local Law to amend the Zoning Code by establishing a Neighborhood Commercial (NC) overlay zoning district. The petitioner is also seeking a zone change from 1R-35 to NC for a 6.8 acre parcel on the southeast corner of Grandview Avenue and Route 306 which will be reviewed separately. Four-acre sites with frontage on or direct access to a State highway.

Reason for Referral:

State and County roads 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***

- 1 The Village of Spring Valley is an adjacent municipality to the south of the Village of New Hempstead. As such, it must be listed as a referral agency on the GML referral form, and an interested agency on the Lead Agency Notice.
- 2 The four-acre minimum lot area requirement is substantial given the intent to facilitate the development of neighborhood convenience shopping that is compatible with neighboring uses. With the proposed maximum floor area ratio of .30, a conforming 52,272 SF building can be constructed. This is 2.6 times greater than the 20,000 SF maximum proposed for an individual building. We recommend that the minimum lot area requirement be reduced to ensure that the scale of a Neighborhood Commercial development is in keeping with the surrounding residential neighborhood.
- 3 The maximum impervious surface standard of 80 percent is excessive. In order to allow for adequate landscaping and residential buffering, as well as on-site amenities such as seating areas, the development coverage standard must be reduced.

306 GRANDVIEW COMMONS/NEIGHBORHOOD COMMERCIAL ZONING DISTRICT (NH-125)

4 While Section 1 (Purpose & Intent) recognizes that sufficient landscaping, buffering and other design treatments must be provided to protect the existing neighborhood character, the zoning code amendment does not include specific standards. An appropriately-sized buffer must be required for sites abutting residential properties. The buffer area must include appropriate landscaping, a berm or decorative fencing.

5 Use Regulations are included in Section 5.1(a). Since more than one principal use is permitted on lots in the NC district, bulk standards must be established to regulate the placement of multiple buildings on a site. These shall include a minimum distance between buildings requirement, as well as shared parking and other appropriate standards.

6 Section 7.5(a) addresses parking requirements in the NC district. Specific buffer requirements must be established for parking in the front yard. Evergreen landscaping and/or berms can soften the visual impact of a parking area abutting a residential neighborhood. If on-site parking is located in a side or rear yard adjacent to a residential property, appropriate buffers must be required.

7 A review must be completed by the New York State Department of Transportation and any concerns addressed.

8 A review must be completed by the Rockland County Highway Department and any concerns addressed.

9 The Town of Ramapo and the Villages of Wesley Hills, Pomona, New Square and Spring Valley are reasons this proposal was referred to this department for review. These municipalities border the Village of New Hempstead. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo and the Villages of Wesley Hills, Pomona, New Square and Spring Valley must be given the opportunity to review the proposed zoning code amendment and provide any concerns related to the project to the Village of New Hempstead.



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

Ramapo
New Square, Pomona, Spring Valley, Wesley Hills
Ira M. Emanuel, P.C.
Gershon Alexander

**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.

306 GRANDVIEW COMMONS/NEIGHBORHOOD COMMERCIAL ZONING DISTRICT (NH-125)

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.

