

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 13, 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:

Date Review Received: 2/7/2017

Item: *ATERES BAIS YAAKOV OF ROCKLAND/INTERIM SCHOOL BUILDINGS (NH-124)*

Petition to amend the Zoning Law of the Village of New Hempstead to allow Interim School Buildings as a special permit use in the 1R-50, 1R-40, 1R-35, 1R-25 and 2R-15 zoning districts.

In residential zones within the Village of New Hempstead

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***

Educational facilities throughout the county use temporary school buildings to accommodate their growing student populations. The proposed text amendment attempts to address this need while also protecting adjacent properties by insuring that temporary classrooms do not serve as a substitute for permanent structures. We concur with the provisions of the text amendment that establish interim school buildings as special permit uses that may be in place for a limited time period. The requirement that a special use permit be granted for the permanent structure precedent to the granting of a special use permit for the interim school use, and the mandated construction progress inspections of the permanent school, will ensure that the permanent school is completed in a timely fashion. We offer the following recommendations on the proposed text amendment.

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.

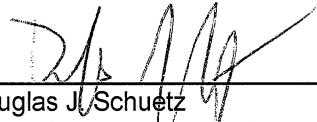
ATERES BAIS YAAKOV OF ROCKLAND/INTERIM SCHOOL BUILDINGS (NH-124)

2 Section 6.9.4.1a.(6) states that "no additional public hearing shall be required for a renewal of an Interim School Building Use Permit in accordance with this section." A public hearing provides the opportunity for neighboring property owners to voice their concerns about interim school buildings. If problems arise during the initial 12-month period, it is appropriate for neighbors to bring these issues to the attention of the Village Board in a public forum. Public hearings shall be required when extensions of the temporary use permit are sought.

3 Section 6.9.4.1a.(2) states that "accessory structures such as sheds, porticos, decks, patios or storage buildings, other than those which are shown to be necessary to the Interim School Use, are specifically prohibited." Section 6.9.4.1a.(9) lists bulk standards for the placement of the Allowable Structures and uses and structures accessory to the Allowable Structures. To avoid confusion, allowable accessory structures that are necessary to the Interim School Use must be specified.

4 Establishing an FAR or maximum building coverage for the interim school building is appropriate. The FAR standard for the interim school building must be lower than the maximum standard for the permanent structure.

5 Section 6.9.4.1a.(18) states that an Interim School Building Use Permit shall be considered a Type II action under the State Environmental Quality Review Act. This is accurate if the total floor area is less than 4,000 SF. If the combined floor area of several trailers exceeds 4,000 SF, it must be classified as an Unlisted Action.



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

Mark Herz

**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.