

**DEPARTMENT OF PLANNING**

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

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

May 22, 2017

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

**Tax Data:** 41.20-2-41

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

**Map Date:** 3/24/2017

**Date Review Received:** 5/15/2017

**Item:** *BAIS MALKA HASC LLC. (NH-112E)*

Special use permit application to allow the installation of a swimming pool, a wading pool and 100 changing cubicles, as well as bathrooms and a mechanical room, on the 15.91-acre campus of two existing schools in a 1R-25 zoning district.

South side of Grandview Avenue, opposite Sansberry Lane

**Reason for Referral:**

Grandview Avenue (CR 80), Town of Ramapo, Village of Wesley Hills

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 Swimming pools are not specifically listed among the individual special permit uses in Section 6.9 of the Zoning Law of the Village of New Hempstead. It is unclear if swimming pools serving educational facilities are special permit or accessory uses. The Village Board must clarify whether Section 4.4.15 applies to this application and if there are any applicable special permit standards for this use.
- 2 Special permit uses are, by definition, subject to a higher standard of review. If a special use permit is required for the swimming pool, wading pool and changing cubicles, the Village Board must be satisfied that the proposed use conforms to the standards outlined in Article 6.
- 3 The applicant must comply with the conditions of the Rockland County Highway Department's letter of April 20, 2017.
- 4 The applicant must comply with the conditions of the Rockland County Health Department's letter of April 12, 2017.

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5 The applicant must comply with the conditions of the Rockland County Sewer District # 1's letters of April 21, 2017.

6 The applicant must comply with the conditions of the Rockland County Drainage Agency's letter of April 18, 2017.

7 The Village of Wesley Hills is one of the reasons this proposal was referred to this department for review, and one of two adjacent municipalities. The Wesley Hills municipal boundary is along Grandview Avenue immediately north of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Village of Wesley Hills must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Wesley Hills must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

8 The applicant must comply with the conditions of the April 18, 2017 letter from the Town of Ramapo's Department of Public Works.

9 The 100 changing cubicles surrounding the pools, and the five bathrooms and mechanical/storage room to the southeast of the pool area, are illustrated on the March 24, 2017 Overall Pool Area drawing prepared by John Petroccione P.E.; they are not shown on the April 3, 2017 site plan prepared by Anthony R. Celentano P.E. An existing macadam play area is shown instead on the Celentano map. All application material s must be consistent. The Celentano map must be updated to include all proposed improvements.

10 The proposed changing cubicles surrounding the pools and the mechanical room must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

11 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of New Hempstead Fire Inspector, or the Moleston/Hillcrest Fire District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

12 Crosswalks must be provided across the interior roadways to ensure the safe passage of students walking between the school buildings and recreation areas.

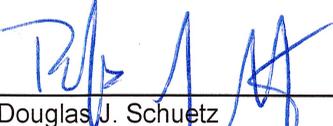
13 A dumpster enclosure must be shown on the site plan and easily accessible to sanitation workers. Parked vehicles must not block access.

14 Since a more intense use is now proposed at the rear of the property, supplemental landscaping must be provided along the southern and western property lines to buffer the adjacent residential properties.

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15 Map Note 9 on the April 3, 2017 site plan prepared by Anthony Celentano P.E. must be corrected to specify Section 239L & M of the General Municipal Law as this is a site plan application, not a subdivision proposal.

16 Map Note 15 on the April 3, 2017 site plan prepared by Anthony Celentano P.E. must be corrected to indicate that SUEZ is the water supplier.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

- cc: Mayor Fred Brinn, New Hempstead  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Sewer District #1  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Moleston/Hillcrest Fire District
- John Petroccioner P.E.  
Town of Ramapo, Village of Wesley Hills  
Anthony R. Celentano P.E.
- Aaron Grossman

*\*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.*

