

**DEPARTMENT OF PLANNING**

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

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

April 3, 2017

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

**Tax Data:** 42.13-2-14

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

**Map Date:** 8/28/2015

**Date Review Received:** 2/21/2017

**Item:** *KEHILLAS ZICHRON YITZCHOK (NH-126)*

Special permit application for a Local House of Worship on .8073 acres in a 1R-40 zoning district. An addition to an existing single-family dwelling is proposed.

East side of Pennington Way, approximately 225 feet south of Wayne Road

**Reason for Referral:**

New Hempstead Road (CR 80)

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 By definition, special permit uses are subject to a higher standard of review. The Village Board must be satisfied that this proposal complies with the standards outlined in Local Law 2 of 2015, as well as Article 6 of the Zoning Ordinance, particularly Section 6.5. The proposal must also conform to the 1R-40 bulk standards.
- 2 A Landscaping Plan shall be submitted so compliance with Section 6.5.2 can be determined.
- 3 As per the minimum requirements listed in Local Law 2 of 2015, a lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 4 All signs shall be shown on the site plan and comply with the village's sign ordinance.
- 5 A review must be completed by the Rockland County Highway Department and any required permits obtained.

**KEHILLAS ZICHRON YITZCHOK (NH-126)**

- 6 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code. As noted in their February 24, 2017 letter, Health Department approvals will be required.
- 7 A review must be completed by the Rockland County Sewer District #1 and all required permits obtained.
- 8 The proposed local house of worship and the existing residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 9 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 Fire District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 10 The proposed floor area ratio shall be indicated on the bulk table as it is applicable.
- 11 A turnaround area must be provided at the east side of the proposed on-site parking so that a vehicle in space #17 can easily exit.
- 12 The stacked parking arrangements indicated at 39, 41 and 43 Pennington Way will be difficult to manage. It is unclear whether any traffic direction will be provided to ensure that drivers safely exit these private driveways. This must be clarified.
- 13 A dumpster enclosure must be shown on the site plan and easily accessible to sanitation workers. Parked vehicles must not block access.
- 14 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- 15 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the need to use congregant parking spaces for this purpose.
- 16 Any variances required for this proposal are subject to a review by this Department, as mandated by the New York State General Municipal Law.

  
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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 Fire District  
  
Anthony R. Celentano P.L.S.

**KEHILLAS ZICHRON YITZCHOK (NH-126)**

Israel Teichman

*\*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.*

