

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 24, 2018

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:

Date Review Received: 6/29/2018

Item: *BAIS MALKA/SPECIAL USE PERMIT EXTENSION (NH-112H)*

Renewal of a special permit to allow the temporary use of a prefabricated classroom building for an additional 12 months during construction of a permanent classroom building, 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 Local Law No. 1 of 2017 was adopted on March 27, 2017. It allows for the establishment of certain interim school uses of limited duration, provided that such uses do not adversely affect adjacent properties, and provided that such uses are discontinued upon the expiration of a set time period. Interim school building uses shall be granted by Special Permit of the Village Board of Trustees and shall be governed by Section 6.9 of the Zoning Law. By definition, special permit uses are subject to a higher standard of review. The Village Board must be satisfied that the existing temporary prefabricated classroom building is conforming to the applicable special permit standards in Section 6.9, particularly those listed in Section 6.9.4.1. The site plan must be amended to include a map note specifying the 12-month extension time-frame.
- 2 The applicant must continue to comply with the conditions of the Rockland County Highway Department's letter of April 20, 2017.
- 3 The applicant must continue to comply with the conditions of the Rockland County Sewer District #1's letter of April 21, 2017.

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

5 The applicant must continue to comply with the conditions of the New York State Department of Environmental Conservation's letter of June 21, 2017.

6 The Town of Ramapo and the Village of Wesley Hills are two of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along the western property line of the site. 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 Town of Ramapo and 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 Town of Ramapo and the Village of Wesley Hills must be considered and satisfactorily addressed, as well as any additional concerns about the renewal of the special permit.

7 The temporary prefabricated classroom building must continue to comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8 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.

9 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

10 Pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

cc: Acting Mayor Abe Sicker, New Hempstead
Rockland County Department of Highways
Rockland County Department of Health

for 

Deputy Douglas J. Schuetz
Acting Commissioner of Planning

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Rockland County Sewer District #1
Rockland County Drainage Agency
New York State Department of State
Rockland County Office of Fire and Emergency Services
Moleston/Hillcrest Fire District

Anthony R. Celentano P.E.
Town of Ramapo, Village of Wesley Hills
Savad Churgin, LLP

Aron Grossman, Bais Malka

**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.

