



Rockland County

Ed Day, Rockland County Executive

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

November 27, 2018

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: 10/30/2018

Item: *VILLAGE OF NEW HEMPSTEAD - PROHIBITION OF UNREASONABLE NOISE (NH-128)*

Local Law Amendment to update Local Law 22 of 1984 entitled "Prohibit Unreasonable Noise". The amendments include the addition of more definitions, a more extensive list of prohibited acts and exceptions, and a change to the violations and penalties section of the law.

Throughout the Village

Reason for Referral:

State and County roads, County parks, facilities, Town of Ramapo, Villages of New Square, Pomona, Spring Valley, and 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 The previous Local Law, 22 of 1984, had specific decibel levels to be used to measure noise levels. The amended version does not include any reference to decibel levels, only providing a more extensive listing of prohibited uses. To supplement the amendments, and to have a less subjective law, specific decibel levels must be included. Comfortable hearing levels are generally less than 60 decibels as a reference point. A listing of decibel levels for uses should be provided, as well as the length of time the noise level can be sustained.

VILLAGE OF NEW HEMPSTEAD - PROHIBITION OF UNREASONABLE NOISE (NH-128)

2 A few typographical errors are in the proposed Local Law, and should be corrected. These include: 1) Under the Emergency definition, the text should be amended to read as follows - "physical trauma, danger to human life,"; and 2) Under the Unreasonable Noise definition (A), the work "unreasonable" should be changed to "unreasonably".



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Acting Mayor Abe Sicker, New Hempstead
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Division of Environmental Resources
Rockland County Veterans Service Agency
Rockland County Department of General Services

Town of Ramapo
Villages of New Square, Pomona,
Spring Valley & Wesley Hills

**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.