

**DEPARTMENT OF PLANNING**

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

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

July 1, 2019

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

**Tax Data:** 33.18-1-30

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

**Map Date:** 3/14/2019

**Date Review Received:** 5/30/2019

**Item:** *CAMBRIDGE HEIGHTS (NH-87N)*

Revised site plan application to reconcile the differences between the approved site plan of 2014 and the current as-built conditions. The Active Adult Residential Community (ARC) consists of 54 owner-occupied, semi-attached condominiums and a clubhouse on 9.7011 gross acres (9.6399 net acres) in a 1R-50 zoning district. The on-site amenities were enhanced with walls, walkways, decks and landscape features not shown on the 2014 site plan.

East side of Summit Park Road, 560 feet south of Pomona Road; south side of Pomona Road, opposite Station Road and 620 feet east of Summit Park Road

**Reason for Referral:**

Pomona Road (CR 86), Town of Ramapo, Samuel G. Fisher Mount Ivy Environmental Park

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 applicant must comply with the conditions of the Rockland County Highway Department's letter of June 10, 2019.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of June 7, 2019.
- 3 A review must be completed by the County of Rockland Division of Environmental Resources, and any comments or concerns addressed.

**CAMBRIDGE HEIGHTS (NH-87N)**

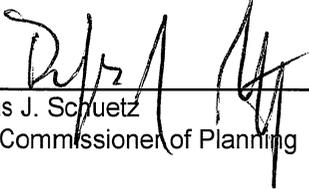
4 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Pomona Road, immediately north of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent 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 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 must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 There shall be no net increase in the peak rate of discharge from the site at all design points as a result of the site plan revisions.

6 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.

7 In addition, 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

- cc: Acting Mayor Abe Sicker, New Hempstead
- Rockland County Department of Highways
- Rockland County Division of Environmental Resources
- 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
  
- Leonard Jackson Associates
- Town of Ramapo

Cambridge Heights Estates Holdings, LLC

**CAMBRIDGE HEIGHTS (NH-87N)**

*\*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.*

