Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 26, 2019

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

Tax Data: 42.17-1-5.2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/4/2019 **Date Review Received:** 7/25/2019

Item: ***CHAIM CIMENT (NH-13C)***

Special permit application to allow the addition of a mikvah and Passover kitchen to an existing single-family dwelling on .4925 acres in a 1R-25 zoning district. The 1,668 SF addition will require side yard and impervious surface variances.
Southwest corner of Grandview Avenue and Union Road

Reason for Referral:

Grandview Avenue/Union Road (CR 80), 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 By definition, special permit uses are subject to a higher standard of review. The Village must be satisfied that the proposed mikvah and Passover kitchen comply with the special permit standards outlined in Article X, particularly Sections 290-42 and 290-54.

2 It is not possible to determine if the Passover kitchen complies with Section 290-54.A.(1) and Section 290-54.B. because floor plans were not submitted with this application. The required floor plans must be submitted for our review.

3 The existing residential building and the proposed addition must comply with all requirements of the New York State Uniform Fire Prevention and Building Code, as mandated in Section 290-54.A.(2).

4 It is unclear if there are individual special permit standards for mikvahs. This must be clarified.

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5 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The applicant is seeking a 20 percent increase over the maximum permitted impervious surface. The ability of the existing infrastructure to accommodate large residential structures on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development. The building footprint shall be reduced to more closely conform to the requisite bulk standards.

6 The applicant must comply with the conditions of the Rockland County Highway Department's letter of July 31, 2019.

7 The Village of Wesley Hills is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Grandview Avenue, approximately 58 feet 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 A review shall be completed by the Rockland County Health Department, and all required permits obtained.

9 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.

10 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo 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.

11 The proposed addition is larger than the existing single-family dwelling. It is unclear how many stories are proposed. Two sets of exterior staircases appear to serve the addition. Since two-family dwellings are not permitted in the 1R-25 zoning district, additional information must be provided about how this 1,668 SF will be utilized. The breakdown of floor area devoted to the mikvah and Passover kitchen must be specified.

12 The applicant must consider the use of pervious pavers to reduce the extent of the impervious surface non-conformity.

13 The on-site parking requirement must be provided, as is unclear whether the proposed mikvah will serve the surrounding community.

14 The scale shown on the site plan is incorrect. The correct scale must be indicated so that the accuracy of all measurements can be verified.

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15 The site plan shall contain map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of this requirement, and the importance of providing these details.

16 The site plan must include a vicinity map with a scale and north arrow.

17 A revision table must be provided on the site plan. The revision dates shall be listed chronologically.

18 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.

19 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.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Abe Sicker, 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

Anthony R. Celentano P.E.
Village of Wesley Hills

Chaim Ciment

**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.