

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

January 22, 2019

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: 12/28/2018

Item: *VILLAGE OF NEW HEMPSTEAD/LAND SUBDIVISION AND SITE PLAN REGULATIONS (NH-123A)*

Revisions to Local Law 2 of 2016 which amended Article 10 of the Zoning Ordinance and Appendix A of the Land Subdivision Regulations. At that time additional information was proposed to be included in the "Required Data" of Section 10.3.2 for site plans, and in Section A4 for final subdivision plats. The current proposal is to expand Section 10.3.2nn.

Throughout the Village of New Hempstead

Reason for Referral:

NYS Route 45, New Hempstead Road (CR 80), Viola Road (CR 74), McNamara Road (CR 67), Town of Ramapo, Villages of Pomona, New Square, Spring Valley and Wesley Hills, Dr. Robert Yeager Health Complex, Veteran's Cemetery

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***

In 2016, we noted that the proposed additions to the required data on site plans and final subdivision plats will allow for a thorough review of these proposals, by all relevant agencies, by providing a comprehensive listing of parcel and district information, as well as state and local regulations. We offered several recommendations which were included in the final version of the local law. The current proposal seeks to strengthen the safety provisions of Section 10.3.2nn. We support this amendment and offer the following recommendations.

- 1 Section A4.p(22) must also be amended to include the same language as is proposed for Section 10.3.2nn.
- 2 The original reference to the six-foot high temporary fence shall be retained in the amendment.
- 3 The typographical errors in the proposed amendment must be corrected. The second "general" must be deleted; the "and" following "public" must be changed to "as."

VILLAGE OF NEW HEMPSTEAD/LAND SUBDIVISION AND SITE PLAN REGULATIONS (NH-123A)


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 General Services,
Division of Facilities Management
Rockland County Veterans Service Agency

Ramapo
Pomona, New Square, Spring Valley and Wesley Hills

Carole Vazquez, Village Clerk-Treasurer

**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.