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

January 23, 2020

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:** 12/12/2019

Item: ***LOCAL LAW PERTAINING TO SECOND KITCHENS IN DWELLING UNITS (NH-95A)***

A Local Law amending Section 290-54 of the Zoning Law pertaining to second kitchens in dwelling units. The Village proposes to eliminate the special permit requirement. Instead, second kitchens will be subject to review and approval by the Building Inspector and Village Engineer.

Throughout residential zoning districts in the Village of New Hempstead

Reason for Referral:

State and County roads, adjacent municipalities, Robert L. Yeager Health Center, Frederick W. Loescher Veterans Memorial 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

1 While the proposed Local Law includes provisions to prevent the illegal conversion of one residential unit to two dwelling units, we recommend the notification requirement be retained. If an illegal conversion is undertaken, nearby neighbors will likely notice the construction activity and the additional residents. They can report this information to the Building Department. Adjacent and adjoining property owners must be informed of the installation of a second kitchen.

2 A review of the proposed Local Law must be completed by the Rockland County Health Department.

3 A review of the proposed Local Law must be completed by the Rockland County Sewer District #1.

4 Residential units with second kitchens must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

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5 The Town of Ramapo and the Villages of Pomona, Wesley Hills, Spring Valley and New Square are immediately adjacent municipalities. As such, they are reasons for the referral of the proposed Local Law to this department for review. These adjacent municipalities must be given the opportunity to review the Local Law and provide any concerns related to the proposal to the Village of New Hempstead, as required under Section 239nn of the State General Municipal Law,.

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.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Abe Sicker, New Hempstead
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Highways
Rockland County Veterans Service Agency
New York State Department of State
Rockland County Department of Health

Town of Ramapo,
Villages of Pomona, Wesley Hills, Spring Valley & New Square
Carole Vazquez, Village Clerk

**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.