

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

March 20, 2020

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

Tax Data: 33.17-3-32

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

Map Date: 6/24/2019

Date Review Received: 3/4/2020

Item: *SPITZER/8 RED OAK SPECIAL PERMIT (NH-134)*

Special Permit to permit the construction of a new 1,800 SF shed on a 2.05-acre site located in the 1R-50 zoning district. The existing shed is to be removed. A variance for side yard to the accessory structure is also required.

East side of McNamara Road, north side of Red Oak Lane, approximately 37 feet south of Pomona Road

Reason for Referral:

McNamara Road (CR 67), Pomona Road (CR 86), Town of Ramapo, Villages of Pomona 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 Town of Ramapo and Villages of Pomona and Wesley Hills are some of the reasons this proposal was referred to this department for review. The municipal boundary of Ramapo is approximately 37 feet north of the site, within the Pomona Road ROW; the municipal boundary of Pomona is approximately 95 feet north of the site, along the northern boundary of Pomona Road; and the municipal boundary of Wesley Hills is approximately 50 feet west of the site, along the western boundary of McNamara Road. 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 county-wide 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 which is supportive of the goals and objectives of the general area.

SPITZER/8 RED OAK SPECIAL PERMIT (NH-134)

The Town of Ramapo and Villages of Pomona and 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 Town of Ramapo and Villages of Pomona and Wesley Hills must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 The applicant must comply with the comments made by the Rockland County Highway Department in their letter of March 10, 2020.

3 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

4 It must be clarified as to why the provided rear yard increases from the existing measurement of 96.1 feet to 349 feet, as specified on the bulk table.

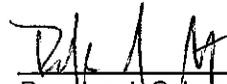
5 The site plan illustrates that the shed is to be 60'x30', which equates to 1,800 SF. The project narrative states that the shed is 1,800 SF, but only 30 feet in length and 20 feet in width. This must be corrected to 60 feet in length and 30 feet in width.

6 The actual building height proposed must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations, especially since a height of greater than 25 feet requires a special permit from the Village Board.

7 The Special Use Permit Application indicates the parcel is 2.5 acres. This must be corrected to 2.05 acres. If the public hearing notice was issued with incorrect information, it must be corrected and reissued.

8 The vicinity map indicates that tax parcel 33.17-3-34 is part of the site. The shading must be removed from this parcel, as it is not part of the proposal.

9 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Abe Sicker, New Hempstead
Rockland County Department of Health
Rockland County Department of Highways

Anthony R. Celentano PLS
Town of Ramapo
Villages of Pomona and 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.

SPITZER/8 RED OAK SPECIAL PERMIT (NH-134)

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.