

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 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: 9/18/2020

Item: *VILLAGE OF NEW HEMPSTEAD - ROADWAY MORATORIUM (NH-137)*

Local Law to temporarily suspend non-emergency street, road, and sidewalk work efforts, constructions, repairs, or rehabilitations. The temporary suspension is to facilitate the Village's scheduled plan to assess and implement upgrades and repairs to roadways, and the assessment and installation of sidewalks, so as to not negatively affect and/or impact monies spent by the Village for such assessment, implementation, or installation.

Throughout the Village

Reason for Referral:

State and County roads; adjacent municipalities

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 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and any required permits obtained.
- 2 A review must be completed by the New York State Department of Transportation, and any required permits obtained.
- 3 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and any required permits obtained.
- 4 A review shall be completed by Orange & Rockland Utilities and any raised concerns addressed.
- 5 A review shall be completed by SUEZ Water and any raised concerns addressed.

VILLAGE OF NEW HEMPSTEAD - ROADWAY MORATORIUM (NH-137)

6 Part a. of Section 2. includes a space for an ending date to the moratorium. This date must be provided, and included in the Local Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Abe Sicker, New Hempstead
New York State Department of Transportation
Rockland County Department of Highways
SUEZ
Orange and Rockland Utilities
Rockland County Department of Health
Rockland County Sewer District #1

Town of Ramapo
Villages of New Square, Pomona,
Spring Valley, & 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.

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.