



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

September 10, 2014

ARLENE R. MILLER  
Deputy Commissioner

New Square Village Board  
766 North Main Street  
Spring Valley, NY 10977

**Tax Data:** 42.19-3-79

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

**Map Date:** 7/3/2014

**Date Review Received:** 8/11/2014

**Item:** 66 MEZRITH ROAD (NS-11)

Special permit and site plan applications for a six-family, multiple dwelling on .3453 acres in an LDR zoning district.  
South side of Mezritch Road, 115 feet west of Slavita Road

**Reason for Referral:**

NYS Route 45, Village of New Hempstead

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 special permit is required to allow more than four units in a multi-family dwelling if it is located in an LDR zoning district. The .3453-acre parcel exceeds the 8,400 SF minimum lot area requirement by almost 79 percent. Six on-site parking spaces are proposed which exceeds the parking standard of 1/2 a space per unit. The Village Board must be satisfied that this special permit use conforms to the standards outlined in Sections 3.3.1. through 3.3.4. of Local Law No. 1 of 1967.
- 2 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of August 25, 2014.

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4 The Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Route 45, 140 feet west of the site. This area of New Hempstead is zoned 1R-35, a low density residential district characterized by single-family dwellings on 35,000 SF lots. 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 New Hempstead 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 New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 There shall be no net increase in the peak rate of discharge from the site at all design points.

6 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

7 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

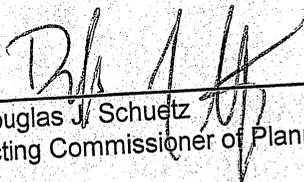
8 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

9 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

10 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. Exterior stairs and ramps must be shown on the site plan. If they are within ten feet of the property line, a New York State variance will be required. An aerial apparatus road is required if the building height is over 30 feet.

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- 11 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector and the Moleston Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 12 It appears that the 6 parking spaces are undersized. The length of each parking space within the lot lines is 18 feet. Local Law No. 1 of 1967 specifies that a parking space must be 22 feet long. The macadam area containing the parking spaces extends beyond the property line. Vehicles will have to reverse out of these spaces into Mezritch Road. All parking must be completely contained on-site and configured so that vehicles do not reverse into the public right-of-way.
- 13 A landscaping and lighting plan shall be submitted for our review.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Mates Friesel, New Square  
New York State Department of Transportation  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Moleston Fire District  
Brooker Engineering, PLLC  
Village of New Hempstead  
New York State Department of State,  
Division of Code Enforcement and Administration  
Yehuda Weissmandl

*\*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.*

