



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

September 10, 2014

ARLENE R. MILLER
Deputy Commissioner

New Square Zoning Board of Appeals
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 MEZRITCH ROAD (NS-11A)

Side yard variance to allow the construction, maintenance and use of a six-family, multiple dwelling on .3453 acres in the LDR zoning district.

North 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***

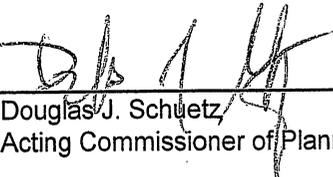
- 1 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. Exterior stairs and ramps must be shown on the 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.
- 3 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.

66 MEZRITCH ROAD (NS-11A)

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 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The ability of the existing infrastructure to accommodate increased residential density is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development.



Douglas J. Schletz
Acting Commissioner of Planning

cc: Mayor Mates Friesel, New Square
New York State Department of Transportation
Rockland County Department of Health
Rockland County Drainage Agency
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.*

66 MEZRITCH ROAD (NS-11A)

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.

