

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

March 28, 2017

New Square Zoning Board of Appeals  
37 Reagan Road  
New Square, NY 10977

**Tax Data:** 50.07-1-4.2

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

**Map Date:** 8/26/2016

**Date Review Received:** 2/17/2017

**Item:** 23 WASHINGTON AVENUE (NS-3A)

Variances for front yard, side yard, building height and parking to allow the construction, maintenance and use of a three-story, six-unit addition to an existing two-story, two-family residence. The eight-family dwelling is proposed on .3143 acres in an R-1 zoning district.

North side of Washington Avenue, approximately 475 feet east of Route 45

**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:

***\*Disapprove***

This department is in possession of a New Square Zoning Code dated 1967 and 2007 updates to the NS, GB, LDR and HDR zoning districts. The section of the code related to the R-1 zoning district is part of the original 1967 document. Multi-family residences are not an as-of-right or special permit use in the R-1 zoning district. It appears that a use variance is required for the proposed eight-family residence. Clarification must be provided before this application can proceed.

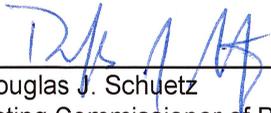
A full-size drawing must be submitted for our review. The 11x17 map included with the application materials is hard to read and seems to be missing information. The building footprint of the proposed addition is not fully illustrated making it difficult to evaluate this project.

The following comments address additional concerns about this proposal.

1 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

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- 2 A review must be completed by the Rockland County Sewer District #1 and all required permits obtained.
- 3 A review must be completed by the New York State Department of Transportation and any required permits obtained.
- 4 The Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 475 feet west of the subject site. As required under Section 239nn of the State General Municipal Law, the Village of New Hempstead must be given the opportunity to review the proposal and provide any concerns related to the project to the Village of New Square.
- 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 in a non-conforming structure 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. The footprint of the proposed addition and the number of units must be reduced so that the on-site parking requirement is achieved and there is closer compliance with the applicable bulk standards.
- 6 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 7 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of New Square Fire Inspector, or the Moleston Fire District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 8 All proposed entrances, stairways, window wells, decks and other building features must be clearly delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.
- 9 it will not be possible for sanitation workers to access the dumpster enclosure if vehicles are parked in spaces 6 and 7. The dumpster enclosure must be moved to a more accessible location.
- 10 A scale and north arrow must be provided on the vicinity map.
- 11 The site plan shall include map notes that list all appropriate information, including the district details.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Israel Spitzer, New Square  
New York State Department of Transportation  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Moleston Fire District

**23 WASHINGTON AVENUE (NS-3A)**

Anthony R. Celentano P.L.S  
Village of New Hempstead

Nacham Goldmunzer

Rockland County Planning Board Members

*\*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.*

