



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

ARLENE R. MILLER
Deputy Commissioner

December 11, 2013

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 42.15-2-25

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

Map Date: 9/9/2013

Date Review Received: 11/13/2013

Item: 6 *PROPERTY GROUP, LLC (R-1512B)*

Special permit and site plan application to allow an existing single-family residence on .805 acres in the R-35 zoning district to be used as a family and group care facility. Friends and relatives of Friedwald House residents will stay overnight at the facility.

Southeast corner of New Hempstead Road and Old Schoolhouse Road

Reason for Referral:

New Hempstead Road (CR 80), Village of New Hempstead, NYS Route 45, Village of New Square
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 "Family and Group Care Facility" is defined in Section 376-5 of the Zoning Law as a residential facility in which groups of unrelated persons live, along with one or more adults who serve in a supervisory role. The proposed facility will house people overnight on a temporary basis. It is more accurately defined in the Zoning Law as a hotel or motel - "a building which has transient living and sleeping accommodations for rent for ten or more persons and which is open for year-round occupancy." While we recognize that this facility will serve as a Shabbos House for friends and relatives of Friedwald House residents, the use is not included in the Town's Zoning Law. If the Town is in favor of allowing these facilities in close proximity to residential health care facilities, we recommend that the Zoning Law be amended to include this as a special permit use.
- 2 The applicant must comply with the conditions of the Rockland County Highway Department's letter of November 15, 2013.
- 3 A review shall be completed by the New York State Department of Transportation and all required permits obtained.

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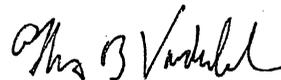
4 The Villages of New Hempstead and New Square are two of the reasons this proposal was referred to this department for review. The New Hempstead municipal boundary is along Old Schoolhouse Road, directly west the site; the New Square municipal boundary is 375 feet southeast of the site. New York State 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 Villages of New Hempstead and New Square 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 Villages of New Hempstead and New Square must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 The number of on-site parking spaces to be provided must be specified in the parking requirements calculation. The proposed parking must be clearly delineated on the site plan. It is unclear how many spaces are proposed and where they are located.

6 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

7 A lighting plan shall be submitted for review. Fields of illumination from proposed on-site lighting sources must be shown on the plan, and shall not extend beyond the property line into the County road.



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
New York State Department of Transportation
Rockland County Department of Health
Atzl, Scatassa & Zigler P.C.
Villages of New Hempstead and New Square

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**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.

