



DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

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May 13, 2024

New Hempstead Village Board
 108 Old Schoolhouse Road
 New City, NY 10956

Tax Data: 50.05-1-11.1

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

Map Date:

Date Review Received: 04/03/2024

Item: *103 BRICK CHURCH ROAD (NH-21R)*

Zoning Code amendment to create the 1R-10 zoning district. This new zone would allow single-family dwellings on lots with a minimum of 10,000 SF. The 1R-10 district will be added to column 3 of the Schedule of Use Regulations. Bulk standards have also been created and will be listed in a new row on the Table of Dimensional Requirements. The 1R-10 zoning district will be applied to tax parcel 50.05-1-11.1. In addition, an amendment to the Comprehensive Plan is proposed to allow this revision. Also included with this application is a Draft Scoping Document, submitted as part of the SEQRA process. Southwest corner of Brick Church Road and Hempstead Road

Reason for Referral:

Viola Road & West Eckerson Road (County Route 74), Town of Ramapo, Village of Spring Valley

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***

As evidenced by the recently published Rockland County Housing Needs Assessment, there is a housing crisis throughout the County. One issue identified in the Assessment is a lack of housing stock and housing types. The 1R-10 zoning district has been proposed to allow single-family dwellings on lots with a minimum area of 10,000 SF. This will allow for an increase in housing density while also preserving the single-family character of the Village, in compliance with the goals of the 2020 Comprehensive Plan. We are supportive of this effort to increase the residential density of the Village. Amending the Zoning Code to allow an increased permitted density is a simple but effective way to increase the housing stock without significantly altering the character of the Village or County as a whole. We offer the following comments on the proposed new zoning district, as well as the siting of said district onto tax parcel 50.05-1-11.1:

- 1 The Village Board shall use this opportunity to determine whether there are any other areas within the Village that should be rezoned to the new 1R-10 zoning district.
- 2 A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.

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3 A review must be completed by the County of Rockland Highway Department, all comments or concerns addressed, and any required permits obtained.

4 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and any required permits obtained.

5 The Town of Ramapo and Village of Spring Valley are two of the reasons this proposal was referred to this department for review. The municipal boundary of Ramapo is along the northeastern, southwestern, and southeastern property lines of the site. The municipal boundary of Spring Valley is approximately 140 feet southwest 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 county-wide 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 with 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 to 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 which is supportive of the goals and objectives of the general area.

The Town of Ramapo and Village of Spring Valley 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 Town of Ramapo and Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 The narrative summary indicates that a conceptual layout plan for the subject property was submitted. This was not included in the documents sent to our department for review. The conceptual layout plan shall be provided.

7 The last time our department reviewed an application for this site was in June 2009. At that time, the parcel ID was 50.05-1-11. With this submission, the ID is 50.05-1-11.1, indicating a subdivision has likely occurred. However, our department has no record of reviewing any subdivision applications for this site. All development and subdivision applications for this site must be referred to this department for review, due to its proximity to a County roadway and adjacent municipalities. If a subdivision has occurred, it must be referred to this department for review, as required by New York State General Municipal Law.

Comments 8 through 16 are offered regarding the Draft Scoping Document:

8 This department has no objections to the Village of New Hempstead Board of Trustees serving as Lead Agency for this project.

9 Since the site is currently used as a golf course, the proposed conversion to housing will remove a large area within the Village that is currently used for recreation purposes. A subsection should be added to Section III of the DEIS related to recreation and open space so that impacts of this loss can be determined and properly mitigated.

10 Due to the environmental sensitivity of the site, primarily wetlands and flood prone areas, the Village should consider a clustered approach to the potential housing, as well as including protections for environmentally sensitive areas through conservation easements.

11 Section III.C. of the DEIS will discuss the ecology and wetlands. This section should be expanded, or a new section added, that discusses floodplains, as a large portion of the site is within the 100-year flood zone.

12 A new subsection should be added to Section III that relates to historical and archeological resources that may be impacted on the site or within the vicinity of the project.

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13 The Alternatives section should explore the possibility of rezoning the subject parcel to a denser, existing district such as the 2R-15, rather than the creation of the new 1R-10 zoning district.

14 In addition to using the EAF Mapper, we recommend that other resources be used, such as the DECInfo Locator and the Hudson Valley Natural Resource Mapper.

15 The Rockland County Sewer District No. 1 was not included on the distribution list of involved County agencies. This shall be corrected, and a copy of the application and all SEQRA documentation shall be sent to them for review.

16 The Rockland County Planning Department was listed as an involved agency on the distribution list. As we are advisory in nature and do not issue any permits or provide funding, we should instead be listed as an interested agency. That said, we still request that all future SEQRA documents be referred to our department for review.

17 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

18 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

19 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process:

19.1 If approved by the Village Board, resolutions for the amended zoning map must be filed with the New York State Department of State. The County also strongly recommends that the Village forward resolutions to the Rockland County GIS division, so that maps maintained by the County can be properly updated. These maps are a widely available resource, and ensuring their accuracy maximizes their usefulness and benefit to the public and municipalities.

19.2 Should this Zoning Code Amendment be adopted, the Village should provide General Code with this recent update so the Village's online code, as posted to www.ecode360.com, reflects these changes.



 Douglas J. Schuetz
 Acting Commissioner of Planning

cc: Mayor Abe Sicker, New Hempstead
 Rockland County Department of Health
 Rockland County Highway Department
 Rockland County Sewer District No. 1
 Town of Ramapo Planning Board
 Village of Spring Valley Planning Board

Rockland County Planning Board Members

**New York State General Municipal Law § 239(5) 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 County of Rockland Department of Planning 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 County of Rockland Department of Planning 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.

Pursuant to New York State General Municipal Law §§ 239-m and 239-n, the referring body shall file a report of its final action with the County of Rockland Department of Planning within thirty (30) days after the final action. A referring body that 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.