

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
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**Douglas J. Schuetz**  
*Acting Commissioner*

**Richard M. Schiafo**  
*Deputy Commissioner*

September 17, 2024

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

**Tax Data:** 42.10-1-45

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

**Map Date:** 01/18/2024

**Date Review Received:** 08/06/2024

**Item:** *Summit Patio Homes - 29 Summit Park Road (GML-24-0159)*

Site Plan for the construction of a pool and patio adjacent to a proposed community center within an Adult Residential Community located on 8.54 acres in the 1R-35 zoning district. A total of 60 units are proposed with 16 constructed at this time.

West side of Summit Park Road, opposite Oakwood Terrace

**Reason for Referral:**

County Route 51 - Summit Park Rd, Dr Robert L. Yeager Health Center, Ramapo

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 must be completed by the County of Rockland Highway Department, all comments or concerns addressed, and all required permits obtained.
- 2 The applicant shall comply with the comments made by the Rockland County Department of Health in their letter dated August 7, 2024.
- 3 The applicant shall comply with the comments made by the Rockland County Sewer District No. 1 in their letter dated August 9, 2024.
- 4 The updated project narrative indicates a Short Environmental Assessment Form was prepared. However, no SEQRA documents were provided with this application. In addition, as noted in the August 7, 2024 letter from the Rockland County Department of Health, public swimming pools are a Type I action. Therefore, a Full Environmental Assessment Form must be completed and provided.

**Summit Patio Homes - 29 Summit Park Road (GML-24-0159)**

- 5 No fencing around the swimming pool is depicted on the site plan. As per Section 290-34, the pool must be completely enclosed by a fence conforming to the requirements of the New York State Uniform Fire Prevention and Building Code. The site plan shall be updated to provide fencing.
- 6 The application materials indicate a patio is proposed around the swimming pool. This must be illustrated on the site plan and shall not encroach into any of the required yards.
- 7 The Village Board must be satisfied that the changes proposed in the Drainage Addendum to the SWPPP adequately address any changes in stormwater runoff.
- 8 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 Standards for Erosion and Sediment Control.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 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.
- 11 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.
- 12 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process:
  - 12.1 The site plan shall contain a vicinity map that has a north arrow and scale.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Abe Sicker, New Hempstead  
Rockland County Department of Health  
Rockland County Facilities Management  
Rockland County Highway Department  
Rockland County Planning Board  
Rockland County Sewer District No. 1  
Sparaco & Youngblood, PLLC

## **Summit Patio Homes - 29 Summit Park Road (GML-24-0159)**

\*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.

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 determines whether the proposed action reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality referring the proposed action to render such opinions and make such determinations as 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.