

**DEPARTMENT OF PLANNING**

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

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

March 20, 2025

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:** 11/13/2024

**Date Review Received:** 02/12/2025

**Item:** *103 Brick Church Rd. LLC (GML-25-0096)*

Map amendment to rezone parcel 50.05-1-11.1 from the 1R-40 zoning district to the 2R-15 district. The site is a golf course with approximately 150 acres. A conceptual layout plan envisions a residential development with 42 single-family homes around the perimeter of the site, 142 two-family homes in the interior of the site, and preserves approximately 16.57 acre of open space and 11.35 acres of wetlands, for a total of 27.92 acres of undisturbed area.

Southwest corner of Brick Church Road and Hempstead Road

**Reason for Referral:**

Viola Rd (County Route 74), W Eckerson Rd (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 Rockland County Housing Needs Assessment (HNA) published in 2024, there is a housing crisis throughout the County. One issue identified in the HNA is the lack of housing stock and housing types. The 2R-15 zoning district has been proposed for this parcel to allow single-family dwellings on lots with a minimum area of 15,000 SF and two-family dwellings on lots of at least 20,000 SF. This will allow for an increase in housing density while also preserving the residential character of the Village. Extending the 2R-15 zoning district from the adjacent areas to this parcel 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 map amendment:

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- 1 The applicant shall satisfactorily address the comments made by the Rockland County Highway Department in their letters dated June 28, 2024 and February 14, 2025.
- 2 As is recognized on the Full Environmental Assessment Form (FEAF), the proposed action will result in a substantial increase in traffic above present levels and generate substantial new demand for transportation facilities or services. While the increased density will help address the demand for housing, it also has the significant potential to exacerbate the existing traffic congestion and air quality issues. This department concurs with the comments made by the County Highway Department that strong consideration must be given to the traffic impacts of this change, and we reiterate the importance of addressing the need for traffic improvements.
- 3 The applicant shall comply with the comments made by the Rockland County Sewer District No. 1 in their letter dated February 27, 2025.
- 4 The applicant shall comply with the comments made by the Rockland County Drainage Agency in their letter dated April 15, 2024.
- 5 A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
- 6 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.

- 7 Our department previously reviewed an application for this site 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.
- 8 When the previous application to create a 1R-10 zoning district and map it to this parcel was submitted to our department for review, a Draft Scoping Document for a Draft Environmental Impact Statement (DEIS) was provided. At this time, only a Full Environmental Assessment Form (FEAF) was submitted. Due to the size of the property, number of anticipated units, and the proximity to sensitive environmental features such as wetlands, it is likely the rezoning of this property to a higher density zoning district will receive a positive declaration under SEQRA. If that is the case, we request the opportunity to review the DEIS as an

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interested agency.

- 9 Recent changes to the New York State Freshwater Wetlands regulations, which took effect on January 1, 2025, have expanded the jurisdictional authority of the New York State Department of Environmental Conservation (DEC) to include small wetlands of unusual importance. As a result, wetlands of any size meet the jurisdictional criteria for protection if they possess any of eleven characteristics of unusual importance, including being situated within an urban area, as defined by the US Census Bureau. According to the Hudson Valley Natural Resource Mapper there may be additional wetlands on the site beyond the man-made ponds. Since the property is located within a defined urban area, any wetlands on the site would be subject to DEC regulation. The applicant must request a parcel jurisdictional determination from the DEC. If the DEC returns a positive jurisdictional parcel, then a wetland permit may be needed.
- 10 Due to the presence of environmentally-sensitivity features, such as wetlands and flood prone areas, the Village should consider a clustered approach to any potential housing development, as well as including protections for these areas through conservation easements.
- 11 Should the zone change be approved, we request the opportunity to review the required subdivision and any other development applications that may be needed, as required by New York State General Municipal Law, Sections 239-m & n.
- 12 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.
- 13 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.
- 14 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:
  - 14.1 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.



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Acting Commissioner of Planning

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cc: Mayor Abe Sicker, New Hempstead  
NYS Department of Environmental Conservation  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Highway Department  
Rockland County Planning Board  
Rockland County Sewer District No. 1  
Town of Ramapo Planning Board  
Village of Spring Valley Planning Board  
Emanuel Law PC  
Langan Engineering

\*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.