

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 24, 2017

Airmont Planning Board
251 Cherry Lane
P.O. Box 578
Tallman, NY 10982

Tax Data: 56.18-2-71

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

Map Date: 4/20/2017

Date Review Received: 4/24/2017

Item: *CONGREGATION KELLELOHR YAAKOV/61 REGINA ROAD (A-179B)*

Site plan for an addition to a single-family residence on .5552 acres in an R-35 zoning district. The addition will consist of residential place of worship and additional living space.
East side of Regina Road, 85 feet north of Lee Drive.

Reason for Referral:

South Monsey Road (CR 81)

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 shall be completed by the Rockland County Highway Department and any required permits obtained.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of April 28, 2017.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of April 28, 2017.
- 4 The expanded residence and the residential house of worship must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 5 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Airmont Fire Inspector or the Tallman Fire District to ensure that there is sufficient maneuverability on site for emergency vehicles.

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6 We are concerned about the location of parking spaces 6 and 7. A pedestrian walkway is proposed from the handicapped parking space to the entrance of the house of worship. This walkway is directly behind parking spaces 6 and 7. The parking area must be reconfigured so that potential conflicts between vehicles and pedestrians or congregants in wheelchairs are minimized. Walkways must not be located in the path of parked vehicles.

7 It will not be possible for sanitation workers to access the dumpster enclosure if vehicles are parked in spaces 5 and 6. The dumpster enclosure must be moved to a more accessible location.

8 There shall be no net increase in the peak rate of discharge from the site at all design points.

9 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 Guidelines for Urban Erosion and Sediment Control.

10 Any variances required for this proposal are subject to a review by this Department, as mandated by the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Tallman Fire District

Anthony R. Celentano P.L.S.

Rabbi David Ribiat

**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.