



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 28, 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: 8/24/2017

Date Review Received: 8/25/2017

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

A site plan application for an addition and site improvements to an existing single-family residence on 0.56 acres in the R-35 zoning district. The addition will consist of additional living space and a residential place of worship.

The eastern side of Regina Road, approximately 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 As per the September 18, 2017 letter from the Rockland County Highway Department, a Work Permit is required from them. In addition, the condition that all required parking be provided on site must be met.
- 2 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of September 15, 2017.
- 3 An updated review must be done by the Rockland County Health Department.
- 4 The expanded residence and the residential house of worship must comply with all requirements of the New York 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.

CONGREGATION KELLELOHR YAAKOV/61 REGINA ROAD (A-179C)

- 6 ~~It will be difficult to maneuver a vehicle into and out of parking space # 5. In addition, congregants parking in spaces 1 and 2 do not have a pedestrian path through the proposed parking area. This represents a safety concern. The parking area must be configured to ensure adequate access to spaces and pedestrian safety.~~
- 7 The district notes state the water supplier is United Water. This must be corrected to state SUEZ.
- 8 The landscaping plan provided does not match the site plan. The landscaping plan must be redesigned so that all materials are consistent.
- 9 The bulk table lists the proposed front yard and side yard as having existing variances of zero feet. The existing site plan does not indicate there is a front yard and side yard of zero feet. The bulk table must be changed to indicate that variances are required, not existing, for front and side yards.
- 10 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.
- 11 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 12 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.



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
Rockland County Office of Fire and Emergency Services
New York State Department of State
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.