



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

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Deputy Commissioner

August 4, 2015

Chestnut Ridge Zoning Board of Appeals
277-279 Old Nyack Turnpike
Chestnut Ridge, NY 10977

Tax Data: 62.08-1-19

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

Map Date: 2/20/2015

Date Review Received: 7/17/2015

Item: **CONGREGATION OHR MORDECHAI (CR-213C)**

Variances to permit the construction of a place of worship, rabbi's residence and mikvahs in the R-25 zoning district on a net lot area of .584 acres. Required variances include: less than the needed lot area, lot width, front setback, front yard, side setback, side yard, rear setback, and rear yard; and greater than permitted floor area ratio and development coverage.

Southwest corner of Madeline Terrace and Hungry Hollow Road

Reason for Referral:

Hungry Hollow Road (CR 71)

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:

****Disapprove***

1 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. Significant variances are required for every yard and bulk standard to permit this proposed use. The lot area is undersized by 88 percent, having only 1/8th of what is required, while the yard and setback deficiencies range from 60 to 74 percent less than the minimum needed. The extent of nonconformity for the development coverage is 88 percent, while the floor area ratio exceeds the maximum permitted by over 132 percent. The site fronts directly onto a County highway, as well as having a floodplain running along the western property line. The ability of the existing infrastructure to accommodate increased development on an undersized, non-conforming lot is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development. Given the degree of non-conformity to the required bulk regulations, an alternate site may be more appropriate for the place of worship or multiple lots may need to be combined so as to more closely conform with the Village's special permit standards for

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this use.

2 Local Houses of Worship are allowed by special permit by the Village Board in the R-25 zoning district. By definition, special permit uses are subject to a higher standard of review. As stated above, significant variances are required in order to implement this proposed use. The Village of Chestnut Ridge determined that churches and similar places of worship are permitted on larger parcels so as to minimize the impact to the surrounding residential properties. The Village Board must review the special permit application to ensure that the proposal complies with the intent of the zoning ordinance, before the variances can be granted.

The following recommendations address our additional concerns about the requested variances.

3 A review must be completed by the County of Rockland Department of Highways and all required permits obtained. Under no circumstances can parking be permitted within the right-of-way of the County highway.

4 A landscaping plan was not submitted with this application, though two photographs that appear to be simulating proposed landscaping was provided. Since all of the yards and setbacks are greatly deficient, it is even more important that landscaping be provided that will help to shield the adjacent and nearby neighbors from this over-intensive use. Plans showing the type and location of landscaping must be provided.

5 The floodplain Administrator for the Village of Chestnut Ridge shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.



Douglas J. Schuetz
Acting Commissioner of Planning

- cc: Mayor Rosario Presti, Jr., Chestnut Ridge
- Rockland County Department of Highways
- Rockland County Department of Health
- Rockland County Drainage Agency
- Maser Consulting P.A.
- Michael L. Klein, Esq.

Rockland County Planning Board Members

**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.