



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
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September 2, 2015

Chestnut Ridge Village Board
277 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: 8/3/2015

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

Special permit application for a proposed place of worship with a Rabbi's residence and mikvahs on .584 acres in an R-25 zoning district.

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***

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. The Village of Chestnut Ridge determined that churches and similar places of worship are only permitted on larger parcels so as to minimize the impact to the surrounding residential properties. This proposal does not comply with the intent of the zoning ordinance as outlined in the special permit standards contained in Article XII or the R-25 bulk requirements.

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

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impacts of permitting such development. Given the degree of non-conformity to the required bulk regulations, an alternate site is more appropriate for the place of worship or multiple lots must be combined so as to more closely conform with the Village's special permit and bulk standards for this use in the R-25 zoning district.

The following comments address additional concerns about this proposal.

- 1 The applicant must comply with the conditions of the Rockland County Highway Department's letter of August 13, 2015.
- 2 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of August 5, 2015.
- 3 A landscaping plan was not submitted with this application, though two photographs that appear to simulate proposed landscaping were previously 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge
Rockland County Department of Highways
Rockland County Sewer District #1
Rockland County Department of Health
Rockland County Drainage Agency
Maser Consulting P.A.
Michael L. Klein, Esq.

Isumer Rosenbaum

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.