

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 31, 2017

Chestnut Ridge Planning Board
277 Old Nyack Turnpike
Chestnut Ridge, NY 10977

Tax Data: 56.20-1-38

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

Map Date: 12/21/2016

Date Review Received: 2/21/2017

Item: *CONGREGATION YESODEY HATALMUD (CR-56E)*

Site plan for a house of worship with a Rabbi's residence on 1.44 net acres in an R-25 zoning district. The gross lot area is 6.36 acres. Since much of the site is constrained by wetlands and the 100-year floodplain, it is subject to lot area deductions. The existing residential structure will be retained as the Rabbi's residence.

East side of Chelsea Lane, west side of Hungry Hollow Road, north side of Jon Leif Lane and south side of the NYS Thruway

Reason for Referral:

Hungry Hollow Road (CR 71), NYS Thruway, Town of Ramapo, Federal Wetlands

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 must be completed by the Rockland County Highway Department and all required permits obtained.
- 2 A review must be completed by the New York State Thruway Authority and all required permits obtained.
- 3 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 4 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.

CONGREGATION YESODEY HATALMUD (CR-56E)

5 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern property line 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 countywide 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 in 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 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 that is supportive of the goals and objectives of the general area.

The Town of Ramapo 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 must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

7 The applicant must comply with the conditions of the Rockland County Sewer District #1's March 2, 2017 letter. The Environmentally Sensitive Area (ESA) waiver request and supporting documentation must be submitted to the Sewer District.

8 A review must be completed by the United States Environmental Protection Agency and all required permits obtained.

9 The proposed house of worship and existing residence must comply with all requirements of the New York State Uniform Fire Prevention and Building Code

10 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the South Spring Valley Fire District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

11 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

12 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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

14 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.

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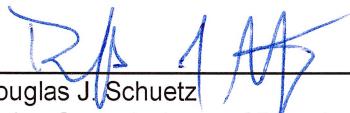
15 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

16 The limits of the conservation easement must be clearly delineated in the field. This easement must be recorded on the property deed and included in the site plan general notes.

17 A December 27, 2016 Memorandum from Civil Tec Engineering & Surveying PC indicates that the separation between structures is less than the height of the structures. The supplementary regulations contained in Article VI, Section 3 specify that the distance between two principal buildings on the same lot shall be no less than the height of the taller building. The distance between a principal building and an accessory building shall be no less than the height of the accessory building but in no event less than 15 feet. It is unclear whether the Rabbi's residence is considered a principal or accessory building. This must be clarified. If it is a second principal building, a variance will be required for spacing.

18 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of congregant parking spaces for this purpose, especially since only the minimum number of parking spaces is being provided.

19 The 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 Rosario Presti, Jr., Chestnut Ridge
Rockland County Department of Highways
New York State Thruway Authority
United States Army Corps of Engineers
Rockland County Department of Health
Rockland County Sewer District #1
United States Environmental Protection Agency
New York State Department of State
Rockland County Office of Fire and Emergency Services
South Spring Valley Fire District

Civil Tec Engineering & Surveying PC
Town of Ramapo

Sinai Halberstam

**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.*

CONGREGATION YESODEY HATALMUD (CR-56E)

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.