



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
Acting Commissioner

**Arlene R. Miller**  
Deputy Commissioner

December 9, 2019

Chestnut Ridge Planning 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:** 7/1/2019

**Date Review Received:** 10/30/2019

**Item:** *CONGREGATION OHR MORDECHAI - 2 MADELINE TERRACE (CR-213E)*

A site plan and conditional use application to construct a Neighborhood Place of Worship on a corner lot with 0.63 acres in the R-25 zoning district. Bulk variances are required for front yard (Madeline Terrace), rear setback, and floor area ratio, which were previously granted as an application for a House of Worship (a discontinued use with stricter bulk requirements).

The southwestern corner of the intersection 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:

### ***\*Recommend the following modifications***

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. The Madeline Terrace front yard is deficient by 43% and the rear setback is deficient by 14%. Most significantly, the floor area ratio exceeds the maximum limit by 133%. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels 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 and the precedent that may be set.

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- 2 The narrative indicates that several bulk variances were previously obtained when the project was initially proposed as a House of Worship. However, the narrative and site plan do not indicate that a variance was obtained for the Hungry Hollow Road front yard. The site plan indicates that a garbage enclosure and parking lot are proposed approximately 15 and 27 feet from the front property line, respectively. A variance of the Hungry Hollow Road front yard must be obtained. We request the opportunity to review any additional variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 3 A review must be completed by the County of Rockland Department of Health and all required permits obtained from them.
- 4 A review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.
- 5 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of October 28, 2019.
- 6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Chestnut Ridge Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 7 Due to federal wetlands on the site, if there is to be any disturbance, a review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
- 8 The designated 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.
- 9 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- 10 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 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. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- 12 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 13 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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14 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 parking spaces meant for the congregants for this purpose, especially since the minimum number of required spaces are provided.

15 Drawing 4 of 6 is entitled "Landscaping, Lighting & Erosion Control Plan." However, there is no light intensity information provided on this drawing. The title of the drawing must be corrected. A separate lighting plan was provided that indicates the light intensity will exceed 0.1 lumens at the property line. The lighting plan must be amended so that the intensity of light is less than 0.1 lumens at the property line.

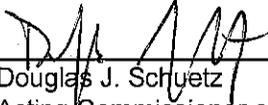
16 The bulk table indicates that the proposed side yard is 26 feet. The site plan indicates that access stairs are located 18 feet from the side property line. The bulk table must be corrected.

17 Access to the garbage enclosure crosses the sidewalk. The enclosure must be relocated so that access to it will not conflict with pedestrians.

18 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

19 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

20 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Department of Highways  
United States Army Corps of Engineers  
Federal Emergency Management Agency  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
  
Civil Tec

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

## **CONGREGATION OHR MORDECHAI - 2 MADELINE TERRACE (CR-213E)**

*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.*