

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 27, 2017

Hillburn Planning Board
31 Mountain Avenue
Hillburn, NY 10931

Tax Data: 47.18-2-50

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

Map Date:

Date Review Received: 6/19/2017

Item: *LEONARD GLUCK - CHANGE OF USE (SFR TO HOUSE OF WORSHIP) (HI-38)*

A site plan application to convert an existing single-family residence to a house of worship on 0.18 acres in the R-6 zoning district.

The southwestern corner of Chestnut Avenue and Fulton Place.

Reason for Referral:

NYS Route 17

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***

Due to the overall incomplete application, including the SEQRA documents and the site plan, we are unable to properly evaluate this proposed site plan. The reasons for our disapproval are as follows:

1 The submitted site plan is insufficient. It was created by an online vendor, not a licensed surveyor, architect or engineer, as is required by the Village of Hillburn zoning code section 250-61A, and its accuracy cannot be relied upon. The vicinity map has no north arrow. There is no map date. The full parking area is not shown. The bulk table does not have the correct information, as uses other than one-family dwellings in the R-6 zoning district have substantially different requirements, including a minimum lot size of 22,000 sq. ft. A full and complete site plan from a licensed surveyor, architect or engineer must be submitted and reviewed.

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2 Both a short and full environmental assessment form are provided, but neither are filled out accurately or completely. The Village must determine which form is suitable for the proposed use. All questions must be answered appropriately. Until such time as this is done, the SEQRA requirement has not been met.

The following additional comments address other concerns and issues:

3 A parking calculation must be provided to ensure that sufficient parking for the new use is being provided.

4 A partial landscaping plan is provided on the site plan. A full, complete plan must be provided, showing all proposed landscaping and the type to be provided.

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

6 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

7 A review must be done by the Village of Hillburn Fire Department or the Rockland County Office of Fire and Emergency Services to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

8 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

9 It is difficult to determine if any variances are required without a complete bulk table. If any variances are required, we request the opportunity to review whatever 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).



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Craig Flanagan, Jr., Hillburn
New York State Department of Transportation
Hillburn Fire District
Rockland County Office of Fire and Emergency Services

Leonard Gluck

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.*

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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.

