Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 16, 2016

Kaser Zoning Board of Appeals
P.O. Box 391
Monsey, NY 10952

Tax Data: 56.08-1-25

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/31/2015 **Date Review Received:** 2/16/2016

Item: ***CONGREGATION KHAL TORATH CHAIM/25 PHYLLIS TERRACE (K-42A)***

Variance for courtyard width to allow the construction, maintenance and use of an addition to an existing place of worship on 1.6124 acres in an R-2 zoning district. A commercial study hall is proposed on the northeast corner of the site.
South and west sides of Phyllis Terrace, north side of Elliot Court

Reason for Referral:

Town of Ramapo, NYS Route 306

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**

In June of 2012, this department recommended disapproval of the variances required for two separate additions to the existing house of worship. The concerns raised in our June 18, 2012 GML review are still valid. It is our understanding that the Village granted the previously requested variances. The southern addition is currently under construction. The subject addition has been modified to allow a courtyard between the new construction and the existing building. As a result, a variance for courtyard width is necessary. The site plan submitted with this application does not include a bulk table. Therefore, it is not possible to thoroughly evaluate the impact of this proposal. Applications to the Zoning Board of Appeals must include a site plan with a bulk table indicating the bulk standards for the use, as well as the proposed measurements.

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. We believe that is the case with this proposal. The proposed addition to the existing place of worship will result in an increased overutilization of the site as evidenced by the number and magnitude of the variances already granted. The building, as currently configured, does not conform to the R-2 bulk standards for houses of worship. A variance of 90 percent was granted for development

coverage. The proposed floor area ratio variance of 63 percent indicated on the May 24, 2013 site plan was greatly understated. The bulk table incorrectly indicated that the maximum allowable F.A.R was .98 when it is actually .50 for places of worship in the R-2 zoning district. As a result, an F.A.R. variance of 220 percent is required. The applicant must reapply for this variance.

The ability of the existing infrastructure to accommodate facilities of this size 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.

The safety issues created by the proposal must also be assessed. The Village Fire Inspector must evaluate the ability of emergency vehicles to access the site, especially as they relate to firematic response. The Rockland County Office of Fire and Emergency Services and the Monsey Fire District must also review the site plan. The proposed on-site parking configuration is a clear indication that there is insufficient maneuverability on-site for emergency vehicles. ALL proposed parking spaces are shown to be within the right-of-way and none are located entirely on the site. The location of these spaces, as well as those along and within the roadway, will interfere with emergency access to the site, and maneuverability to and within the site.

Lastly, the site plan does not include a parking calculation. Approximately 60 parking spaces are shown on the map. However, ALL of these spaces are along the perimeter straddling the northern, eastern and southern property lines, and therefore, none are contained solely on the site, creating a potentially hazardous situation for emergency access. The application materials do not indicate the seating capacity or the number of congregants so it is only possible to calculate the parking requirement based on the building square footage. By our calculations, based on the May 24, 2012 site plan, the proposed structure will be approximately 112,000 SF requiring up to 560 parking spaces. Aerial photography of the existing place of worship shows approximately 40 vehicles parked perpendicular to the site along Phyllis Terrace. Seventeen vehicles are parked curbside along Elliot Court with an additional 13 vehicles parked in the center of the cul-de-sac. Seven vehicles are parked to the west of the building, and an additional ten vehicles are shown in the northeast corner of the site where the subject addition is proposed, resulting in a loss of needed spaces. This haphazard current parking clearly demonstrates that sufficient on-site parking is not achievable for the existing house of worship, and especially without any further expansion. As noted above, this creates fire and safety issues. The applicant must acquire additional land area to accommodate the parking required for the proposed use. Permitting further development of the subject site will exacerbate the current overdevelopment. The variance shall not be granted.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bernard Rosenfeld, Kaser
New York State Department of Transportation
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services
Monsey Fire District

CONGREGATION KHAL TORATH CHAIM/25 PHYLLIS TERRACE (K-42A)

Robert R. Rahnefeld
Town of Ramapo

Israel Neiman

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.

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.