



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

July 8, 2014

ARLENE R. MILLER
Deputy Commissioner

New Hempstead Zoning Board of Appeals
108 Old Schoolhouse Road
New City, NY 10956

Tax Data: 41.19-1-4

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

Map Date: 5/22/2014

Date Review Received: 6/10/2014

Item: *YESHIVA OHR TORAH (NH-79F)*

Variance for parking in the front yard to allow the continued maintenance and use of a synagogue with accessory classrooms in an existing building on 1.51 gross acres (.84 net acres) in a 1R-35 zoning district. Variances for lot area, front yard, floor area ratio, building coverage and parking were granted on October 1, 2013. A variance is no longer required for maximum impervious surface due to the use of porous pavement.

East side of Route 306, 250 feet south of Tauber Terrace

Reason for Referral:

NYS Route 306, Town of Ramapo

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 of the May 22, 2014 site plan shall be completed by the New York State Department of Transportation (DOT) and all required permits obtained. A March 11, 2013 letter from DOT indicates that the majority of their earlier comments have not been addressed. This letter also raised concerns about the proposed driveways and grading. The applicant must satisfactorily address all of DOT's concerns.

YESHIVA OHR TORAH (NH-79F)

2 In our previous reviews of the variances required for this proposal, we noted that this department is not in favor of granting parking variances for sites located on state highways. Inadequate on-site parking can impede the safe and efficient flow of traffic along Route 306. We recommended that the applicant make off-site parking arrangements to fulfill any overflow parking needs that might arise during times of peak attendance. The May 22, 2104 site plan shows 22 parking spaces, or one less than was illustrated on the November 16, 2012 site plan that we reviewed as part of the ZBA submission. If a variance was granted to allow 23 parking spaces instead of the required 44, the applicant will need an additional parking variance since only 22 parking spaces are proposed.

3 The Planting and Lighting Plan shows light poles in the parking area. It is not clear whether the poles are located at the end of parking spaces or within the state right-of-way. This must be clarified. If light poles are located in the parking area, individual parking stall dimensions will be reduced. Standard-size vehicles may not be able to park in such spaces. The location of the light poles must be clarified. Given that less than half of the required on-site parking is being provided, the proposed parking spaces must be full-size.

4 Additional low evergreen landscaping must be provided in front of the parking spaces facing the Route 306 to shield headlights from shining into oncoming vehicles traveling on the road.

5 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Route 306, directly west 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 proposed use.

6 A review of the May 22, 2014 site plan shall be completed by the Rockland County Health Department and all required permits obtained. The comments in their letter of March 11, 2013 must be satisfactorily addressed.

7 While we recognize that the use of porous pavement will result in less impervious surfaces on this site, it is unclear how the proposed maximum impervious surface calculation was derived. The total square footage of the porous pavement area must be specified. Since this material is not 100 percent pervious, a credit factor of a certain percentage is typically applied to arrive at a reduced impervious surface area. Since earlier site plans did not break down each impervious area, it is not possible to compare the impervious surface area information provided to what was proposed previously. The credit factor allowed for using porous pavement must be also be clarified. It is not possible to verify that a variance for maximum impervious surface is no longer required without this information.

YESHIVA OHR TORAH (NH-79F)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Fred Brinn, New Hempstead
New York State Department of Transportation
Rockland County Department of Health
Anthony R. Celentano P.E.
Town of Ramapo

Moshe Moskowitz

**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.

