



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

July 23, 2014

ARLENE R. MILLER
Deputy Commissioner

New Hempstead Planning Board
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: 6/23/2014

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

Revised final site plan for a synagogue with accessory classrooms in an existing building on 1.51 gross acres (.84 net acres) in a 1R-35 zoning district. Parking is proposed in the front yard. Porous pavers will be used in the parking area.

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. The applicant must satisfactorily address the issues raised in DOT's letter of July 3, 2014. In addition, DOT must review and approve all existing and proposed landscaping within their right-of-way.
- 2 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of July 1, 2014.
- 3 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.

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4 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.

5 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, 2014 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.

6 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. If the lights are located in the State right-of-way, they must be relocated onto the property.

7 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.

8 A parking space (#13) and curbing for a landscape strip at the end of the western parking aisle are located within the 20-foot wide easement for ingress and egress on the subject site. These features encroach approximately 15 feet into the easement area thereby restricting the ingress and egress purpose of the cross easement to the remaining 25 feet. An explanation must be provided as to why the parking area extends into the easement area.

9 It will be difficult for a vehicle to reverse out of parking space # 22. A turnaround area must be provided at the end of this parking aisle.

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10 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. Earlier site plans did not break down each impervious area so 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 also be clarified. It is not possible to verify that a variance for maximum impervious surface is no longer required without this information.

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

12 The purpose of the fire lane in the southeastern corner of the southern parking area is unclear. If vehicles are parked in spaces 14 through 22, it will be difficult for a fire truck to navigate in this area. A fire truck turning analysis shall be submitted to clarify the purpose of this fire lane.

13 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.

14 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 (August 2010) and local ordinances.

15 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector and the Moleston Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

16 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the state road.

17 The Title Page includes a "new delineation" line by Robert Torgerson. It does not specify that this is a wetland delineation as in previous submissions. This must be corrected. If there are State and/or Federal wetlands on the site, permits will be required from the New York State Department of Environmental Conservation and/or the United States Army Corps of Engineers.



Douglas J. Schletz
Acting Commissioner of Planning

cc: Mayor Fred Brinn, New Hempstead
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
Anthony R. Celentano P.E.
Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration
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.*

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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.