Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 19, 2019

New Square Village Board
37 Reagan Road
New Square, NY 10977

Tax Data: 50.07-3-23.2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 5/17/2019 **Date Review Received:** 5/21/2019

Item: ***12 TRUMAN AVENUE - KOLLEL BUILDING (NS-37)***

A site plan application to construct a place of worship on 0.47 acres in the R-1 zoning district. Variances are requested for front yard, rear yard, side yard, floor area ratio, and height.
The southern side of Truman Avenue, approximately 150 feet east of Washington Avenue.

Reason for Referral:

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:

Disapprove

1 The bulk table and the application review form do not cite the correct bulk requirements for the R-1 zoning district. All uses in the R-1 zoning district require a 30' front yard, a 15' side yard, a 35' combined side yard, a 40' rear yard, and have a maximum height of two stories. There are no separate clear yard requirements and there is no floor area ratio requirement. There is also no parking calculation on the site plan that states the required number of parking spaces. The correct bulk requirements are significantly more restrictive than those provided in the application. This application must be disapproved since it substantially misrepresents the extent of the required variances. Any revised application must include the correct bulk and relevant parking requirements and calculations. Any revised application must also be sent to this department for review.

2 The parking area has several deficiencies. It is located within an Orange and Rockland Utilities easement. The 13 unnumbered parking spaces on the eastern side of the parking area extend several feet beyond the property line. Lastly, the use of angled parking spaces is inappropriate for this site, since it forces vehicles to back out into Truman Avenue. As mentioned in comment 1, no parking calculation has been provided, so it is not possible to determine what is the correct number of required parking spaces. However, deficiencies in the parking layout, along with the presence of the easement, prevent the parking demand from being met on-site. The application must be disapproved.

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3 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 front, side, and rear yards are deficient by 33%, 67%, and 82%, respectively. The ability of the existing infrastructure to accommodate increased density in residential areas 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. This application must be disapproved to maintain the integrity of the Village's zoning ordinance.

The following comments address our additional concerns about this proposal.

4 The architectural plans by Volvi Lowy, dated March 15, 2019, indicate that the proposed structure will be occupied by a religious assembly use. In addition, the floor plans indicate the second floor will be comprised of a main shul, and the first floor will contain classrooms, a library, and a small shul. These features are consistent with a place of worship. However, the project description in the application review form describes the project as "a new commercial dwelling." This is not consistent with the architectural plans, and commercial uses are not permitted in the R-1 zoning district. The application review form must be corrected.

5 A review must be completed by Orange and Rockland Utilities and their comments considered.

6 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of June 3, 2019.

7 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of June 3, 2019.

8 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of New Square Fire Inspector, or the Moleston/Hillcrest Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

9 All fire zones must be clearly delineated on the site plan.

10 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 455 feet west of the parcel. 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 proposal.

11 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 Standards for Urban Erosion and Sediment Control.

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

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13 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.

14 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.

15 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.

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

17 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.

18 A landscaping plan shall be submitted for our review.

19 The site plan provided has several deficiencies. There is no directional information for any of the parcel's property lines. All metes and bounds must be provided. The scale given on the site plan indicates that the site plan is drawn to 1"=20' scale. However, the measurements provided indicate that the site plan is drawn to 1'=10' scale. The scale must be corrected and directional information must be provided. The above shortcomings shall be addressed in a revised site plan when the application is resubmitted to this department for review.

20 The proposed building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. All sidewalks, stairs, and entries must be shown on the site plan to ensure that there is sufficient access to the building for firefighting purposes.

21 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.

22 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.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Israel Spitzer, New Square
Rockland County Department of Health

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Rockland County Sewer District #1
Orange and Rockland Utilities
Rockland County Office of Fire and Emergency Services
Moleston/Hillcrest Fire District

Anthony R. Celentano P.E.
Town of Ramapo Planning Board

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.