



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

ARLENE R. MILLER
Deputy Commissioner

December 9, 2013

Ramapo Zoning Board of Appeals
237 Route 59
Suffern, NY 10901

Tax Data: 49.15-3-37

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

Map Date: 7/22/2013

Date Review Received: 11/8/2013

Item: CONGREGATION EMEK TEFILAH (R-2171D)

Variances for total side setback, rear setback and parking to allow the construction, maintenance and use of two additions to an existing single-family residence to be used as a local house of worship with a Rabbi's residence. The .364 -acre site is located in an R-15C zoning district. Variances were previously granted for side setback, total side setback, side yard, rear setback, maximum development coverage and parking.

South side of Calvert Drive, 280 feet east of Dover Terrace

Reason for Referral:

Village of Kaser

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 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is 205 feet north 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 recently 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.

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The Village of Kaser 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 Village of Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposed site plan and the required variances.

- 2 The Town shall be satisfied that the proposed on-site parking is adequate for this use. The applicant is seeking a parking variance of 50 percent. Given the residential character of the surrounding neighborhood, overflow parking on nearby local streets may not be appropriate or desirable.
- 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 ability of the existing infrastructure to accommodate facilities of this size on non-conforming lots 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 Town must consider the cumulative and regional impacts of permitting such development.
- 4 The proposed building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 5 It will not be possible for sanitation workers to access to the dumpster enclosure if vehicles are parked in space # 6. The dumpster enclosure must be moved to a more accessible location.
- 6 It is unclear if the entire existing drive on the east side of the site is to be removed or just the portion proposed for parking spaces. This must be clarified. Given the 60 percent variance required for maximum development coverage, we recommend that this impervious area be eliminated.
- 7 As noted in our January 12, 2012 GML site plan review and our March 16, 2012 GML review of the required variances, the provided Floor Area Ratio (F.A.R.) indicated in the bulk table is incorrect. The bulk table must be corrected to reflect the F.A.R. of the existing residential building and the two additions. A floor area ratio calculation shall also be provided.



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano P.E.
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Monsey Fire District
Eliot Gans

**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.

