



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

September 5, 2013

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.06-2-52

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

Map Date: 7/18/2013

Date Review Received: 8/13/2013

Item: *CONGREGATION OHR CHAIM (R-2308B)*

Revised site plan for a local house of worship on .4591 acres in an R-35 zoning district. Additional parking is proposed. The Rabbi's residence will be eliminated. An existing tent is to remain. East side of Forshay Road, 152 feet north of Lodi Lane

Reason for Referral:

Forshay Road (CR 81)

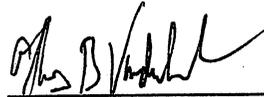
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 The parking calculation on the Planimetric Site Layout Sheet includes the Rabbi's residence. The project narrative states that there will no longer be a Rabbi's residence. It is unclear whether additional parking is required for the proposed Kolel. This must be clarified. The parking calculation must include the appropriate standards for all of the uses proposed.
- 3 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 4 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.

CONGREGATION OHR CHAIM (R-2308B)

- 5 The project narrative states that there will be a Kollel during the day, and there will no longer be a Rabbi's residence. Will the Kollel be located on the second floor in the former Rabbi's residence? Additional information must be provided about the Kollel and the intended use of the second floor.
- 6 The July 18, 2013 site plan still includes a notation on the existing structure that the second floor is to be used as a Rabbi's residence. This must be corrected.
- 7 The tent referenced in the project narrative is not illustrated on the July 18, 2013 site plan. It is depicted on the July 21, 2011 site plan reviewed by this department in September of 2011. At that time, the tent was to be removed. Additional information must be provided about the intended use of the tent. If it is to remain, and is part of this site plan application, it must be shown on the drawings.
- 8 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 9 The building and the tent must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.



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

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano P.E.
New York State Department of State,
Division of Code Enforcement and Administration
Jack Shechter

**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.