



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

ARLENE R. MILLER
Deputy Commissioner

December 5, 2013

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

Tax Data: 56.10-2-1

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

Map Date: 6/18/2013

Date Review Received: 11/8/2013

Item: **CONGREGATION OR YOSEF (R-2400A)**

Variances for lot area, lot width, front setback (College Road and Cucolo Lane), front yard (College Road and Cucolo Lane), side setback, side yard, rear setback, rear yard, development coverage, floor area ratio and parking to allow the construction, maintenance and use of an addition to a single-family residence for use as a local house of worship with a Rabbi's residence. The .7589-acre site is in a R-25 zoning district.

East side of College Road, north side of Cucolo Lane

Reason for Referral:

College 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 applicant must comply with the conditions of the Rockland County Health Department's letter of June 21, 2013.
- 3 Map Note 2 states that the area of the tract is 33,056 SF or .76 acres. The bulk table and the project narrative indicate that the lot area is .74 acres. All application materials must be consistent. Any lot area deductions must be noted, and a net lot area calculation included in the layout plan.

CONGREGATION OR YOSEF (R-2400A)

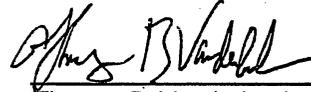
4 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The ability of the existing infrastructure to accommodate facilities of this size on non-conforming parcels is a countywide 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.

5 The May 7, 2013 memorandum from the Town of Ramapo Building, Planning and Zoning Department references a November 7, 2012 site plan and indicates that a parking variance is required. The October 17, 2013 project narrative also states that a parking variance is required. The bulk table on the June 18, 2013 Layout Plan indicates that 18 required parking spaces are provided. Nineteen spaces are shown plus three reserve overflow parking spaces. All application materials must be consistent. The number of parking spaces proposed must be clarified.

6 There are several trees shown in parking spaces, and the driveway and interior roadway. Trees to be removed must be so indicated.

7 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process.

A fire pit is shown on the east side of the property surrounded by the parking area. It is unclear why this structure is to remain particularly in its current location. The purpose of the fire pit must be clarified. Two to three additional parking spaces could be located in this area.



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

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
Rockland County Department of Health
Anthony R. Celentano P.E.

Abraham Paskesz

**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.