



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax. (845) 364-3435

C. SCOTT VANDERHOEF  
County Executive

April 10, 2013

Ramapo Town Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 49.12-2-52.1

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

**Map Date:** 1/17/2013

**Date Review Received:** 3/11/2013

**Item:** *TEMPLE BETH EL AND VIOLA GARDENS, LLC (R-1682E)*

Proposed amendment to the Comprehensive Plan and a Change of Zoning Designation from R-25 to MR-8 for a 5.5-acre portion of an 11-acre site. A two-lot subdivision is required. An existing synagogue and religious school will remain on the other 5.5 acres.  
South side of Viola Road, 955 feet east of Route 306

**Reason for Referral:**

Viola Road (CR 74), Village of New Hempstead

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***

With regard to residential development, the Town of Ramapo's Comprehensive Plan recommended an overall pattern of density that generally mirrored the existing pattern with the highest densities located and recommended to remain in Monsey, and decreasing densities in roughly concentric circles around this area. The Low Density Residential land use category was to encompass the large-lot single-family residential areas located within the R-25, R-35, R-40A and R-40 Residential Districts in portions of Monsey, Viola and the northeast portion of the Town. These areas were to retain their existing zoning designation with a permitted density between one and two units per acre. Houses of worship were and continue to be permitted by right in these zones; schools are allowed by special permit.

The subject site is located within an R-25 zoning district in the Viola portion of the Town. The maximum permitted residential density is 1.74 units per acre. While the zoning petition submitted with this application analyzes the permitted densities in the adjacent zoning district, it does not acknowledge the maximum density allowed in the R-25 zone or the fact that the density permitted in the MR-8 district is almost five times greater. The surrounding neighborhood to the east, south and southwest of the site is also zoned R-25 and is characterized by single-family residences on

**TEMPLE BETH EL AND VIOLA GARDENS, LLC (R-1682E)**

lots ranging from just over half an acre to just under three-quarters of an acre. An MR-8 zoning designation to permit multi-family housing immediately adjacent to this low density residential district is inappropriate despite the argument put forth in the zone change petition. Holland House is 365 feet east of the site and on the opposite side of Viola Road. Surrounding Holland House is the Village of New Hempstead's 2R-15 zoning district. As noted in the zone change petition, one- and two-family residences are permitted in this zone. The dormitory buildings proposed on the adjacent Ohr Samayach site are accessory to the the primary use, a school of religious instruction. Dormitory housing is unlike other residential uses by virtue of the transient nature of the tenancy, and is therefore an invalid comparison. The proposed Avon Gardens project is located 2,300 feet or nearly half a mile west of the subject site. Spring Valley's R-1 zone, a single-family residence district, is located between the Ramapo's R-25 zone and Avon Gardens resulting in a transitional increase in residential density.

The applicant is not proposing a transitional increase in density. In fact, a non-conforming, multi-family housing development with the maximum permitted residential density is proposed. Several yard and setback variances are required. The minimum separation distance between buildings is not achieved giving rise to firematic safety concerns. Traffic impacts are also not addressed. This is one of several issues raised in the Rockland County Highway Department's letter of March 18, 2013.

As noted above, the permitted density in the MR-8 zone is 4.6 times or 360 percent greater than the R-25 maximum of 1.74 units per acre. Given that the R-25 lots to the east, south and southwest are conforming in terms of lot area, a nearly five-fold increase in residential density will be greatly inconsistent with the community character of the surrounding single-family neighborhood in the Town of Ramapo. In addition, the residential uses permitted by right in the adjacent municipalities are single-family dwellings in Spring Valley, and one- and two-family residences in New Hempstead. Given all these considerations, the zone change shall not be granted.



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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 Drainage Agency
- Rockland County Sewer District #1
- Rockland County Office of Fire and Emergency Services
- Monsey Fire District
- Leonard Jackson Associates
- Village of New Hempstead
- Ira M. Emanuel, P.C.
- New York State Department of State,
- Division of Code Enforcement and Administration
- Ephraim Grossman

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.*

**TEMPLE BETH EL AND VIOLA GARDENS, LLC (R-1682E)**

*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.*





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County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

September 16, 2013

ARLENE R. MILLER  
Deputy Commissioner

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 49.12-2-52

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M, Section 239 N

**Map Date:** 8/8/2013

**Date Review Received:** 8/23/2013

**Item:** *VIOLA ESTATES (R-1682G)*

Two-lot subdivision of 11.16 acres in the R-25 and MR-8 zoning districts. An existing synagogue and religious school will remain on the 5.66-acre site in the R-25 zoning district. A site plan application has been submitted for the 44-unit, multi-family development proposed on the 5.5 acres in the MR-8 zoning district.

South side of Viola Road, 955 feet east of Route 306

**Reason for Referral:**

Viola Road (CR 74), Village of New Hempstead

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***

On April 10, 2013, this department issued a GML review recommending disapproval of the zone change petition for the western half of this property. In our review, we noted that the permitted density in the MR-8 zone is 4.6 times or 360 percent greater than the R-25 maximum of 1.74 units per acre. Given that the R-25 lots to the east, south and southwest are conforming in terms of lot area, we believed that a nearly five-fold increase in residential density would be greatly inconsistent with the community character of the surrounding single-family neighborhood in the Town of Ramapo. In addition, the residential uses permitted by right in the adjacent municipalities are single-family dwellings in Spring Valley, and one- and two-family residences in New Hempstead. Given all these considerations, we recommended that the zone change be denied.

The Town Board overrode our recommendation, and granted the zone change petition on July 10, 2013. While we are not opposed to the subdivision proposal currently before us, we believe that the future development plans for the newly re-zoned portion of the site must comply with all applicable MR-8 bulk requirements. The applicant is not proposing a transitional increase in density. In fact, a non-conforming, multi-family housing development with the maximum permitted

**VIOLA ESTATES (R-1682G)**

residential density is proposed. Several yard and setback variances are required. The minimum separation distance between buildings is not achieved giving rise to firematic safety concerns. Traffic impacts are also not addressed. This is one of several issues raised in the Rockland County Highway Department's letters of March 18, 2013, July 12, 2013 and September 11, 2013. The applicant must scale back the multi-family development so that the MR-8 bulk requirements are achieved.

We offer the following recommendations on the proposed two-lot subdivision and the site plan application.

- 1 The applicant must comply with the conditions of the County of Rockland Department of Highways' letter of September 11, 2013. All required permits must be obtained
- 2 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 3 The Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Viola Road directly 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 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 Village of New Hempstead 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 New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 4 As noted above, the zoning designation of the western 5.5-acre portion of the site has been changed to MR-8. The proposed multi-family development includes 44 dwelling units in twenty buildings. The maximum density of eight units per acre is proposed. The proposed Floor Area Ratio of .75 is also the maximum allowed in the MR-8 zoning district. While this 5.5-acre site can yield 44 units, it is not a conforming proposal. Several yard and setback variances are required. The minimum building separation of thirty feet is not achieved. Most of the buildings are within 20 feet of each other. No on-site amenities are provided. The proposal must be scaled back to meet all of the MR-8 bulk requirements. By eliminating some of the buildings and reducing the number of units, the applicant can create a true community by including features like a playground and seating areas where residents can interact.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 6 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.

**VIOLA ESTATES (R-1682G)**

7 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.

8 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.

9 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.

10 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.

11 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

12 An updated review of the August 8, 2013 site plan must be completed by the County of Rockland Sewer District #1 and all required permits obtained. The applicant must comply with the conditions of the Sewer District #1's letter of April 3, 2013.

13 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Inspector and the local fire district to ensure that there is sufficient maneuverability on-site for emergency vehicles.

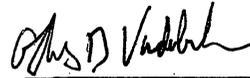
14 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

15 Fields of illumination from proposed on-site lighting sources shall be shown on the Landscaping and Lighting Plan, and shall not extend beyond the property line into the County road.

16 The Landscaping and Lighting Plan depicts plantings in parking areas and driveways, and on top of several residential buildings and refuse containers. In addition, a fire hydrant is shown in the middle of the southern parking area near Building 19. These errors must be corrected.

17 It is unclear how sanitation workers will access the refuse containers that are currently located behind the residential buildings. This must be clarified.

**VIOLA ESTATES (R-1682G)**



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

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Drainage Agency  
Rockland County Department of Highways  
Rockland County Sewer District #1  
Rockland County Department of Health  
Rockland County Office of Fire and Emergency Services  
Leonard Jackson Associates  
Village of New Hempstead  
New York State Department of State,  
Division of Code Enforcement and Administration  
Ephraim Grossman

*\*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.*



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THOMAS B. VANDERBEEK, P.E.  
Commissioner

November 6, 2013

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 49.12-2-52.1

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

**Map Date:** 10/16/2013

**Date Review Received:** 10/21/2013

**Item:** *VIOLA ESTATES SUBDIVISION/LOT 2 - TEMPLE BETH EL (R-1682H)*

Variances for side setback, total side setback, side yard and maximum development coverage to allow a two-lot subdivision of 11.16 acres in the R-25 and MR-8 zoning districts. An existing synagogue will remain on proposed Lot 2. This 5.66-acre parcel is in the R-25 zoning district. Existing non-conforming conditions include front yard, rear yard and on-site parking.  
South side of Viola Road, 495 feet west of Kakiat Lane

**Reason for Referral:**

Viola Road (CR 74), Village of New Hempstead

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 An updated review of the October 16, 2013 subdivision plat must be completed by the County of Rockland Department of Highways and all required permits obtained. The applicant must comply with the conditions of the Highway Department's letter of September 11, 2013.
- 2 The applicant must comply with the conditions of the Rockland County Department of Health's letters of October 22, 2013 and August 28, 2013.

**VIOLA ESTATES SUBDIVISION/LOT 2 - TEMPLE BETH EL (R-1682H)**

3 The Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Viola Road directly 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 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 Village of New Hempstead 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 New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the variances required for this proposal.



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

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Department of Highways  
Rockland County Department of Health  
Leonard Jackson Associates  
Village of New Hempstead

Temple Beth El

*\*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.*

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November 6, 2013

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

**Tax Data:** 49.12-2-52.1

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

**Map Date:** 10/16/2013

**Date Review Received:** 10/21/2013

**Item:** *VIOLA ESTATES SUBDIVISION/LOT 1 (R-1682J)*

Variances for front setback, front yard, side setback, total side setback, side yard and minimum building separation to allow a two-lot subdivision of 11.16 acres in the R-25 and MR-8 zoning districts. A multi-family residential development is proposed on the 5.5 acres in the MR-8 zoning district.  
South side of Viola Road, 955 feet east of Route 306

**Reason for Referral:**

Viola Road (CR 74), Village of New Hempstead

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 zoning designation of the western 5.5-acre portion of the site has been changed to MR-8. The proposed multi-family development includes 44 dwelling units in twenty buildings. The maximum density of eight units per acre is proposed. The proposed Floor Area Ratio of .75 is also the maximum allowed in the MR-8 zoning district. While this 5.5-acre site can yield 44 units, it is not a conforming proposal. Several yard and setback variances are required. The minimum building separation of thirty feet is not achieved. Most of the buildings are within 20 feet of each other. No on-site amenities are provided. The proposal must be scaled back to meet all of the MR-8 bulk requirements. By eliminating some of the buildings and reducing the number of units, the applicant can create a true community by including features like a playground and seating areas where residents can interact.
- 2 An updated review of the October 16, 2013 layout plan must be completed by the County of Rockland Department of Highways and all required permits obtained. The applicant must comply with the conditions of the Highway Department's letter of September 11, 2013.

**VIOLA ESTATES SUBDIVISION/LOT 1 (R-1682J)**

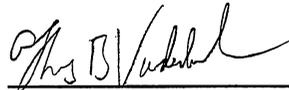
3 The applicant must comply with the conditions of the Rockland County Department of Health's letters of October 15, 2013 and August 28, 2013.

4 The Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Viola Road directly 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 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 Village of New Hempstead 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 New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the variances required for this proposal.

5 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 increased residential density 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.

6 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.



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

cc: Supervisor Christopher St. Lawrence, Ramapo  
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Rockland County Department of Health  
Rockland County Drainage Agency  
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**VIOLA ESTATES SUBDIVISION/LOT 1 (R-1682J)**

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