



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

EDWIN J. DAY
County Executive

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

THOMAS B. VANDERBEEK, P.E.
Commissioner

May 27, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 49.20-2-30 49.20-2-29

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

Map Date: 1/22/2014

Date Review Received: 4/28/2014

Item: *CONGREGATION CHASIDEI BOBOV OF MONSEY (R-1908D)*

Variations for front setback, front yard, side setback and rear setback to allow the construction, use and maintenance of a front porch and an addition at the rear of an existing community house of worship on .5088 acres in an R-15C zoning district.

East side of Jill Lane, south of Ralph Boulevard

Reason for Referral:

Villages of Kaser and Spring Valley

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 Community houses of worship are categorized as Use Group "t" in the R-15C zoning district. The bulk table incorrectly indicates Use Group "x.1" and the bulk standards for this use group. The Town of Ramapo Building, Planning and Zoning Department's April 23, 2014 denial letter does not specify the applicable use group but does reference the bulk standards for Use Group "x.1." Several of the Use Group "t" standards are more stringent resulting in the need for additional variances. A floor area ratio variance is required. If the proposed additions will result in more impervious surface area, the development coverage will increase and another variance will be needed. Additional parking spaces will be required for the increased floor area. The bulk table must be revised to reflect the correct use group and the appropriate bulk standards. Bulk variances that were previously granted must be clearly indicated. All application materials must be consistent.

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2 The Villages of Kaser and Spring Valley are the reasons this proposal was referred to this department for review. The Kaser municipal boundary is along Jill Lane, 50 feet west of the site; the Spring Valley municipal boundary is 260 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 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 Villages of Kaser and Spring Valley 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 Villages of Kaser and Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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 proposed additions result in a 110 percent increase over the maximum permitted floor area ratio. The ability of the existing infrastructure to accommodate oversized facilities on undersized 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.

4 The community house of worship must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

5 Earlier site plans submitted for the community house of worship included a garbage enclosure in the southeast corner of the site. It is not indicated on the current map. The garbage enclosure must be illustrated and easily accessed by sanitation workers.



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
Anthony R. Celentano P.L.S.
Villages of Kaser and Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Congregation Chasidei Bobov

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**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.

