



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

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

EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

July 18, 2014

ARLENE R. MILLER  
Deputy Commissioner

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 56.10-4-28

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

**Map Date:** 12/7/2012

**Date Review Received:** 6/19/2014

**Item:** *CONGREGATION SHALMEI JOEL (R-1490GG)*

Site plan for the proposed addition to an existing dwelling located on .27 acres in the R-15MR zoning district. The addition would be used for a local house of worship with a Rabbi residence. Many variances will be required to implement this proposed site plan.

South side of Horton Drive, 75 feet west of Bates Drive

**Reason for Referral:**

NYS Route 59, NYS Thruway, Village of Airmont

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***

1 The proposed site plan is a gross overutilization of the site. This is evidenced by the numerous variances required to implement the proposal, and the magnitude of the variances needed for the site. The Town's zoning ordinance requires a five-acre site for a local house of worship, yet only 0.27 acres are provided; almost 95% less than what is needed. The maximum development coverage should only be 0.25, while a variance for 0.65 is sought; almost 160% greater than permitted. The floor area ratio should only be 20% of the site, and the applicant is seeking a ratio of 75% or 275% greater than what is permitted. In addition to these significant variances required for the proposed site plan, variances are also needed for lot width (84% less), front setback (73% less), front yard (45% less), side setback (100% less), total side setback (95% less), side yard (87% less), rear yard (42% less), rear setback (57% less), street frontage (75% less), and parking (60% less). Evidenced by the number and magnitude of the variances needed for the proposed local house of worship, an alternate site must be sought.

## CONGREGATION SHALMEI JOEL (R-1490GG)

2 We are in receipt of a June 23, 2014 letter from Chris Szklany, Tallman Fire Chief. In this letter significant concerns are raised regarding the ability to access and service this building, as well as other buildings within this development, due to the lack of parking to serve the area. As evidenced by site visits and aerial photography, vehicles are already currently parking along the street because of insufficient parking on site. Construction of this local house of worship, without providing the required number of parking spaces will only exacerbate this issue. Street side parking, especially if along both sides of the road, may make it impossible for large fire trucks to access a building if required. In addition, we note that numerous trash receptacles line the streets on trash pick-up day, oftentimes well into the driving lanes of the street, causing more obstacles for the fire and emergency vehicles to maneuver around. The ability of fire and emergency vehicles to safely and quickly access the site is of major concern. All parking must be provided on site so that the fire equipment and emergency vehicles can quickly and easily access sites to provide health and safety emergency aid.

3 A drainage and detention pond easement is located in the rear of the property. The proposed addition is being constructed right up to the easement line. Grading of the property will have to be done for construction of the addition. Construction equipment will have to encroach into this easement in order to build the rear addition. Since no grading plan is submitted, it must be proven that no grading will occur within this drainage and detention pond easement. In addition, it must be explained how construction equipment will access the rear of the site without crossing into and damaging this easement area.

4 Walls or fencing are shown on the site plan for the drainage and detention pond easement. The proposed addition is shown to be constructed on top of a portion of this wall/fencing. The proposed addition must be built outside of this fenced/walled area, as construction within it will change the topography of the site and the area within the easement area, which cannot be permitted.

5 A grading plan must be provided with the site plan. The grading plan must demonstrate that the contours in the rear of the site are unchanged, and where run-off will be directed. In addition it must show how grading will be handled with respect to the adjacent property to the east.

6 In the past, both the Rockland County Department of Health and the Rockland County Sewer District #1 have requested that sewer capacity analysis be performed. This condition is expressed again in their letters dated June 19, 2014 and July 1, 2014 respectively. The applicant must provide the required studies and analysis to these two agencies.

7 A complete set of plans must be provided for the proposed site plan. This includes not only a grading plan, as requested above, but also a landscaping plan as well.

8 Since insufficient parking is proposed, it must be demonstrated where snow piles will be located on the site. In addition, a location that is accessible must be provided for the dumpster; as proposed, if a vehicle is parked in parking space #3, the dumpster receptacle cannot be accessed.

9 Only six parking spaces are provided on site. These six parking spaces are very tightly located and will be difficult to maneuver into and out of. Parking spaces #3 and #6 have no turnaround area in which for vehicles to back into, and stairs are located in the area where vehicles would need to use for backing up. In addition, parking spaces #1 and #4 are located within the required 5' wide shade tree easement. The applicant must demonstrate that these minimal six spaces are useable given the site constraints, and that no conflict will arise between the vehicles and pedestrians given the location of the stairs relative to the parking spaces.

**CONGREGATION SHALMEI JOEL (R-1490GG)**

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
New York State Department of Transportation  
New York State Thruway Authority  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Rockland County Planning Board  
Anthony R. Celentano P.E.  
Village of Airmont  
Chris Szklany, Tallman Fire Chief

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.*

*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.*

