



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

October 21, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.08-2-51

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

Map Date: 7/29/2014

Date Review Received: 9/22/2014

Item: *CONGREGATION SHEFA CHAIM (R-2229B)*

Variances for front setback, front yard, side setback, total side setback, rear setback, maximum development coverage and parking to allow the construction, maintenance and use of a house of worship with a Rabbi's residence on .3134 acres in an R-15C zoning district.

East side of Suzanne Drive, 300 feet north of Maple Avenue

Reason for Referral:

Village of Kaser

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 Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 465 feet west 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 Kaser 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

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sewer service. The areas of countywide concern noted above that directly impact the Village of Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 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 undersized lots 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.

3 The proposed house of worship and Rabbi's residence must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The Town of Ramapo Building, Planning and Zoning Department's September 12, 2014 denial letter includes comments from the Fire Inspector regarding NYS Fire Code requirements. An aerial apparatus access road is required if the building is over 30 feet in height. There must be sufficient water to meet the fire flow requirement specified in Section 508.3 of the NYS Fire Code. A fire hydrant must be located within 600 feet of the building.

4 A review must be completed by the County of Rockland Office of Fire and Emergency Services and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles. The Town Fire Inspector notes that the fire service is opposed to parking variances as emergency vehicle access may be slowed.

5 As noted in the Town of Ramapo Building, Planning and Zoning Department's September 12, 2014 denial letter, the proposed use must be clarified. The July 29, 2014 Layout Sheet indicates in Map Note 4 that the proposed use is a Local House of Worship with a Rabbi's residence. It contains a parking calculation that also references the Rabbi's residence. The GML referral and application forms only note a house of worship. All application materials must be consistent.

6 It is our understanding that the existing structure is to be demolished, and a new building will be constructed. The square footage of the proposed structure must be specified. Based on the proposed floor area ratio of .90, the building will be over 12,000 SF. The parking calculation indicates that the shule is 2,000 SF. This number has not changed since we first reviewed an earlier version of this proposal in 2008. Is this figure still accurate? If so, the proposed use of the remaining 10,000 SF must be clarified. The on-site parking requirement is a function of the proposed uses. The square footage devoted to different uses must be clarified.

7 A turnaround area must be provide for parking spaces 6 and 7.



Douglas J. Schuetz
Acting 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.E.
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration

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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.

