



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

August 13, 2014

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.11-2-15

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

Map Date: 4/24/2014

Date Review Received: 7/28/2014

Item: *CONGREGATION TORAH TMIMAH, INC. (R-2467)*

Site plan for the conversion of an existing dwelling into a local house of worship in the R-15C zoning district on .26 acres. The local house of worship will occupy 1,012 sq. ft. of the building, and will have 35 congregants. Variances will be required for this change of use.

East side of Main Street, approximately 110 feet north of Homestead Lane

Reason for Referral:

Main Street (NYS Route 306), 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 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.
- 2 The conditions in the August 7, 2014 letter from the Rockland County Sewer District #1 must be met.
- 3 A review must be completed by the County of Rockland Department of Health and all required permits obtained.
- 4 The application materials indicate that the total square footage of the worship area will be 1,012 sq. ft. What will occupy the remaining area of the building? This must be clarified.

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5 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 283 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 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 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.

6 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

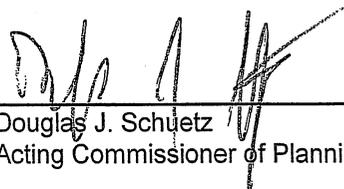
7 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

8 As evidenced by existing aerial photography, there is extensive pavement on the site, resulting in the need for a maximum development coverage variance. It seems that much of the pavement could be removed, thereby reducing the impervious surface area. In addition, this would help to better define the access to the site. The applicant must reduce some of the pavement area and better define the access to the site.

9 A landscaping and lighting plan shall be submitted for our review. The lighting plan must demonstrate that no light glare will shine into the State highway.

10 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
Anthony R. Celentano P.E.
Village of Kaser



Douglas J. Schuetz
Acting Commissioner of Planning

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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.

