



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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April 29, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 41.19-3-18

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

Map Date: 3/19/2015

Date Review Received: 4/2/2015

Item: CONGREGATION BAIS ELAZAR, INC. (R-2499)

Site plan for a proposed 9,639 sq. ft., one-story house of worship on .58 acres in the R-35 zoning district. South side of Parker Boulevard, approximately 250 feet east of the intersection of Parker Boulevard and S. Parker Drive

Reason for Referral:

NYS Route 306, 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 Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 440 feet east of the site, in the centerline of NYS Route 306. 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

CONGREGATION BAIS ELAZAR, INC. (R-2499)

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.

2 The comments in the April 15, 2015 letter from the Rockland County Sewer District No. 1 must be met.

3 The comments in the April 14, 2015 letter from the Rockland County Department of Health must be met.

4 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

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. Numerous variances are required to implement the proposed site plan, including a 65% increase in development coverage and a 90% increase for floor area ratio over what is permitted. Variances are also required for lot area, lot width, front setback, front yard, side setback, total side setback, side yard, rear yard and parking. The ability of the existing infrastructure to accommodate a non-residential use of this size 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. This development proposal must be scaled back to reduce the number and magnitude of the required variances.

6 The amount of parking proposed is almost 47% less than required. The narrative has indicated that any overflow parking needs can be accommodated along Parker Boulevard. The Town of Ramapo must monitor the site's parking needs to ensure that they are being met in a safe manner, either on site or off. Pedestrian linkages may be necessary along Parker Boulevard for the congregants.

7 Since variances will be required for side setback and side yard, adjacent to the existing residences, supplemental evergreen landscaping must be provided to help shield these residents from the visual and audible impacts from this proposed non-residential use.

8 As indicated above, the proposed development coverage exceeds the allowable coverage by 65%. To reduce the amount of impervious surfaces, pervious pavers must be provided for the paved surfaces, such as the sidewalk areas, and parking lot.

9 The height of the wall must be provided on the plans, with measurements for both the top and bottom elevations cited. If the walls are proposed to be higher than four feet, then they should be tiered with landscaping between the tiers. Landscaping should also be planted along the length of the wall to soften the visual impact.

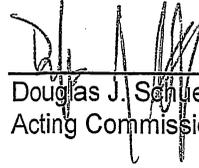
10 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

11 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.

12 There shall be no net increase in the peak rate of discharge from the site at all design points.

CONGREGATION BAIS ELAZAR, INC. (R-2499)

13 We request the opportunity to review the special permit application and the variance application, which are necessary in order to implement the proposed site plan.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
Sparaco & Youngblood, PLLC
Village of New Hempstead

**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.

