



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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September 15, 2015

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

Tax Data: 41.19-3-18

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

Map Date: 8/26/2015

Date Review Received: 9/8/2015

Item: **CONGREGATION BAIS ELAZAR (R-2499B)**

Variances for lot area, lot width, front setback, front yard, side setback, total side setback, side yard, rear yard, street frontage, development coverage, floor area ratio, parking and parking in required yards to permit the construction, maintenance and use of a local house of worship on .584 acres in an R-35 zoning district.

South side of Parker Boulevard, approximately 250 feet east of the intersection of Parker Boulevard and South Parker Drive, and 415 feet west of NYS Route 306.

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 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 68% decrease for minimum lot area, a 70% increase for maximum development coverage and a 90% increase for maximum floor area ratio. 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. Alternatively, a larger site must be obtained that more closely conforms to the R-35 minimum lot area standard for local houses of worship.

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

3 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 applicant must address the concerns raised in the Village of New Hempstead's letter dated May 14, 2015 particularly as they relate to the impacts 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 New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

4 The parking calculation is incorrect in that it does not include the total floor area of the building. The onsite parking requirement for this 9,639 SF building is 49 spaces, as noted in the project narrative. All application materials must be consistent. The parking calculation on the Planimetric Plan (Sheet 1 of 6) must be corrected.

5 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.

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

7 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.



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 Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Sparaco & Youngblood, PLLC

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Village of New Hempstead
New York State Department of State,
Division of Code Enforcement and Administration
Congregation Bais Elazar Inc.

**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.

