



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

July 6, 2015

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

Tax Data: 56.11-2-19

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

Map Date: 4/16/2015

Date Review Received: 6/5/2015

Item: *CONGREGATION CHERVA SHAS KEREN (R-1660E)*

Variances for lot area, front setback, front yard, side setback, total side setback, side yard, rear yard, maximum development coverage, parking, and parking in the rear yard, to permit the construction, maintenance and use of a local house of worship on .3185 acres in an R-15C zoning district. East side of Route 306, 90 feet south of Homestead Lane

Reason for Referral:

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 and all required permits obtained.
- 2 An updated review of the April 16, 2015 Layout Plan must be completed by the County of Rockland Department of Health (RCDOH) and all required permits obtained. The applicant must comply with the conditions of the RCDOH's letter of February 17, 2015.
- 3 An updated review of the April 16, 2015 Layout Plan must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained. The applicant must comply with the conditions of the Sewer District's letter of February 20, 2015.
- 4 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 440 feet northwest of the subject site. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo

CONGREGATION CHERVA SHAS KEREN (R-1660E)

- 5 The proposed local house of worship must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. As indicated in the March 3, 2015 letter from the Town of Ramapo Building, Planning & Zoning, window wells, areaways, stoops, decks, entryways have not been shown. All building structures, entrances, etc. must be shown on the site plan to ensure that these features conform with the State Building Code requirements.
- 6 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 applicant is seeking a 78 percent increase over the maximum permitted development coverage. The ability of the existing infrastructure to accommodate facilities of this size on non-conforming, 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 Village must consider the cumulative and regional impacts of permitting such development.
- 7 This department is not in favor of granting parking variances for sites located on state or county roads. Insufficient on-site parking can impede the safe and efficient flow of traffic along the state highway. The applicant is providing only 74% of the required number of parking spaces, and curbside parking is not available on NYS Route 306. An off-site parking arrangement must be pursued with a nearby property owner and formalized in writing. Sidewalks and/or pedestrian crosswalks may need to be constructed if off-site parking is provided, to ensure that pedestrians walking to and from the site will be safe.
- 8 The parking turnaround area at the southern end of the parking lot must be increased in size. It does not provide sufficient area for vehicles parked in the two southern spaces to maneuver out of these spaces.
- 9 The proposed location of the garbage enclosure will require sanitation vehicles to traverse a narrow driveway and parking area. The potential for traffic conflicts between both vehicles and pedestrians is great. In addition, parked vehicles will be blocked from exiting parking spaces when the dumpster is being emptied. The garbage enclosure must be relocated.
- 10 The Town of Ramapo's Building, Planning and Zoning Department must confirm the accuracy of the bulk requirements listed in the bulk table. They appear to include some R-15C standards for Use Group x.1, as well as some reduced standards for non-complying lots as per Section 376-131.D. (1). We believe this section of the Code only applies to residential development. This must be clarified.
- 11 The March 3, 2015 letter from the Town of Ramapo Building, Planning & Zoning indicates that an additional variance, as per Section 376-51D, parking in the proposed rear yard is required. The plans must be updated to indicate that this parking is also required.
- 12 General Note # 7 must be corrected to indicate that the site plan is consistent with Sections 239L and M of the General Municipal Law.



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

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Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Monsey Fire District
Civil Tec Engineering & Surveying PC
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Chaim Tessler

**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.

