



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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January 23, 2015

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

**Tax Data:** 56.06-1-14

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

**Date Review Received:** 12/24/2014

**Map Date:** 7/17/2014

**Item:** **CONGREGATION KAHAL BAIS USHER (R-2285C)**

Variances for lot area, lot width, front setback, front yard, side setback, total side setback, side yard, rear setback, rear yard, maximum development coverage, floor area ratio, number of parking spaces, parking in the front yard and courtyard width to allow the continued use and maintenance of a local house of worship with a Rabbi's residence on .6017 acres in an R-25 zoning district.  
North side of Highview Road, 176 feet west of College Road

**Reason for Referral:**

Highview Road (CR 64), College Road (CR 81)

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***

In April of 2010, this department issued comments on an application for the side setback, total side setback and rear setback variances required for a proposed addition to a single-family residence. It is our understanding that the residential addition was never constructed. Aerial photography from 2004, 2007 and 2010 show two trailers at the rear of the residential structure. The Town did not refer the trailers to this department for a General Municipal Law review. A site plan for a one-story house of worship was referred to this department on May 10, 2013. Comments were issued on June 6, 2013. Another site plan for a two-story house of worship was referred to this department in August of 2014. Comments were issued on September 25, 2014. The current application before us is for the variances required to permit the continued maintenance and use of the two-story house of worship which was constructed sometime between 2010 and 2013 without a building permit.

## CONGREGATION KAHAL BAIS USHER (R-2285C)

- 1 The bulk table on the April 16, 2012 site plan for a one-story house of worship indicates that the proposed floor area ratio is .32. The parking calculation references a 3,000 SF worship area. The July 17, 2014 Planimetric Plan for a two-story house of worship submitted with the current GML referral also indicates a FAR of .32 and a 3,000 SF worship area. A second story doubles the size of the addition resulting in a higher FAR and a larger worship area. The total floor area of the house of worship addition must be specified, and a floor area ratio calculation provided. We believe the bulk table is incorrect, and the floor area ratio is higher requiring a more extensive variance. The on-site parking requirement may also be understated if the FAR is incorrect. This must be clarified.
- 2 The bulk table indicates that the required street frontage is 200 feet. The subject site has 125 feet of street frontage. However, a street frontage variance is not indicated as required. The August 19, 2014 Town of Ramapo Building, Planning and Zoning Department's Memorandum also does not include a street frontage variance. We believe this site is deficient in meeting the street frontage requirement and does require a variance. This must be clarified. The Town must review the public hearing notice to ensure that all of the required variances are stated correctly for this application. If an additional variance is required, the public hearing notice must be reissued.
- 3 The lot area of the subject site is only 30 percent of the required minimum for local houses of worship in the R-25 zone. The development coverage exceeds the permitted maximum by more than 62 percent. A 60 percent variance is indicated for floor area ratio but as noted above, we believe that it is understated. Lot width and street frontages variances are needed, as well as numerous yard and setback variances. The only bulk variances not required are building height and building height to eaves. The number and extent of the variances required are a clear indication that this use is a gross overutilization of the site. We recommend that the illegally constructed addition be reduced in size to more closely conform to the R-25 bulk requirements.
- 4 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, as noted above. The ability of the existing infrastructure to accommodate facilities of this size on non-conforming parcels 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
- 5 The applicant must comply with the conditions of the Rockland County Highway Department's letter of September 22, 2014.
- 6 The applicant must comply with the conditions of the Rockland County Health Department's letter of August 6, 2014.
- 7 The applicant must comply with the conditions of the Rockland County Sewer District No 1's letter of August 7, 2014.
- 8 The local house of worship and Rabbi's residence must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 9 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Tallman Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

**CONGREGATION KAHAL BAIS USHER (R-2285C)**

10 The comments and concerns regarding public safety and illegal construction raised by the Tallman Fire Department in their letter of December 31, 2014 shall be satisfactorily addressed by the Town and the applicant.

11 Inadequate on-site parking can impede the safe and efficient flow of traffic along the County road. If the proposed parking proves insufficient for the congregants, the applicant must pursue an off-site parking agreement with a nearby property owner to ensure that no vehicles are parked along the Highview Road. This is especially critical if the on-site parking requirement is understated.

12 Since the front setback and front yard are deficient, and parking spaces are facing the county road, low evergreen landscaping must be provided to shield headlights from shining into vehicles traveling along the roadway.

13 The GML referral form and the Town of Ramapo Building, Planning and Zoning Department's August 19, 2014 Memorandum reference an incorrect map date. The April 16, 2012 map was revised on July 17, 2014, and must be noted as such.

14 The December 24, 2014 GML referral form indicates that the meeting date for this application is January 30, 2015. On the afternoon of January 22, 2015, the Town advised this department that the Zoning Board of Appeals (ZBA) was scheduled to meet that night. As mandated in Section 239-m(4)(b) of the NYS General Municipal Law, the review period is 30 days from the referral postmark date or two days prior to the scheduled meeting date. The 30-day review period concludes on January 23, 2015; two days prior to the scheduled meeting as indicated on the referral form is January 28, 2015. We request that the ZBA minutes address the erroneous meeting date information provided to this department.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Tallman Fire District  
Anthony R. Celentano P.L.S.  
New York State Department of State,  
Division of Code Enforcement and Administration  
Aron Robinson

*\*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.*

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