



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

October 8, 2015

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

Tax Data: 56.08-2-47

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

Map Date: 6/22/2015

Date Review Received: 9/9/2015

Item: *CONGREGATION KHAL BAIS SHMIEL (R-2271C)*

Variances for lot area, side setback, total side setback, rear setback, maximum development coverage and deck rear setback to allow the construction, maintenance and use of a mikvah and an addition to a Rabbi's residence on .2686 acres in an R-15C zoning district. The existing structure contains a house of worship and a Rabbi's residence.

East side of Suzanne Drive, 110 feet north of Lenore Avenue

Reason for Referral:

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 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 485 feet northwest of the subject property. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Ramapo.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of July 8, 2015.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of July 8, 2015.

CONGREGATION KHAL BAIS SHMIEL (R-2271C)

4 The bulk table indicates that two parking spaces are required and five are provided. Since the parking requirement for places of worship is based on floor area or seating capacity, it is difficult to ascertain if five spaces are sufficient for the proposal. A parking calculation must be included on the site plan showing the onsite parking requirements for the house of worship and the Rabbi's residence. In addition, the parking spaces and driveway access must be designated on the site plan. A parking variance may also be required if the calculations show that more than five parking spaces are needed.

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. The applicant is seeking a 70 percent increase over the maximum allowable development coverage. The ability of the existing infrastructure to 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.

6 The applicant must consider using permeable pavers to reduce the impervious surface area and the extent of the development coverage variance.

7 The existing building and the proposed addition must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The Town of Ramapo Building, Planning and Zoning Department's July 7, 2015 denial letter includes comments from the Fire Inspector. Exits, stairways and walkways cannot be within ten feet of the property as per NYS Fire Code 1024.3. Construction plans must be provided. It must be indicated whether the addition will be sprinklered. Access to the addition must be clarified.

8 A dumpster enclosure must be shown on the site plan and easily accessible to sanitation workers. Parked vehicles must not block access.

9 Some of the minimum standards in the bulk table do not correspond with Section 376-131.D. (1). The correct requirements for lot width, front yard and street frontage must be indicated. The bulk table also references "Lot 33." The tax identification number for the subject site is 56.08-2-47. The reference to Lot 33 must be eliminated.

10 Some of the proposed setbacks on the bulk table and in the Town of Ramapo Building, Planning and Zoning Department's July 7, 2015 denial letter do not correspond to the measurements indicated on the map. All application materials must be consistent.

11 General Note 8 must be revised to include the mikvah as a proposed use.

12 General Note 9 must be corrected to indicate that Sections 239L and M apply as this is a site plan not a subdivision plat.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services

CONGREGATION KHAL BAIS SHMIEL (R-2271C)

Civil Tec Engineering & Surveying PC
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Congregation Khal Bais Schmiel

**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.

