



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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July 31, 2015

Ramapo Zoning Board of Appeals

237 Route 59

Suffern, NY 10901

Tax Data: 56.11-2-22

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

Map Date: 4/2/2015

Date Review Received: 7/14/2015

Item: **CONGREGATION KHAL TORATH CHAIM (R-2131A)**

Variations to permit the construction of a three-family detached dwelling with three accessory apartments in the R-15 C zoning district on .22 acres. Needed variations include: less than the required lot area, front setback, front yard, side setback, total side setback, side yard, rear setback, rear yard, and street frontage; and greater than permitted maximum development coverage.

An interior lot, 175 feet east of NYS Route 306 and approximately 95 feet north of Secor Street

Reason for Referral:

NYS Route 306, Village of Spring Valley

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:

****Disapprove***

A minimum lot area of 15,000 SF is required for this proposed use. The subject site is only 9,687 sq. ft., necessitating a lot area variance of 35 percent. This proposal will result in a gross overutilization of the site as evidenced by the number and the extent of the variations sought. In addition to the lot area deficiency, yard and setback variations are required for every yard measurement. A variance of 62 percent is needed for maximum development coverage, and the floor area ratio is at the maximum limit allowed. The on-site parking requirement is barely achieved, but no turn around area is provided for vehicular maneuverability. The total number of units must be reduced so that the need for yard variations is alleviated. The building footprint shall also be reduced to ensure that all required on-site parking can be safely accommodated on the lot.

The following recommendations address our additional concerns about the requested variations.

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

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- 2 The comments in the June 10, 2015 letter from the Rockland County Department of Health must be met.
- 3 The comments in the June 12, 2015 letter from the Rockland County Sewer District No. 1 must be met.
- 4 The Village of Spring Valley is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 485 feet east the site. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Spring Valley.
- 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 an increase of 62 percent over the maximum permitted development coverage. The ability of the existing infrastructure to accommodate increased residential density on undersized 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 bulk table shows that the maximum development requirement is .55, yet the Town of Ramapo Table of Bulk Requirements, Part I, § 376-41 indicates that the maximum standard is .50. The required variance is understated and the bulk table must be corrected.
- 7 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 8 Sidewalks, all exterior stairs, window wells, and area ways for the proposed residential building must be shown on the site plan. Exterior stairs and ramps cannot be within ten feet of the property line. The building footprint must be reduced if these features encroach into the required setbacks.
- 9 A turnaround area must also be provided so vehicles can safely maneuver on the lot. If stairs or doorways are proposed along the front of the building then provision of a turnaround area may be difficult. Vehicles must be able to maneuver safely on the site so that they do not have to back out to exit.
- 10 It must be demonstrated that emergency vehicles can access and maneuver on the site, especially since this is a landlocked parcel, and is not easily accessible from any public roadways.
- 11 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access.



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
Rockland County Drainage Agency
Civil Tec Engineering & Surveying PC

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Village of Spring Valley
New York State Department of State,
Division of Code Enforcement & Administration
Congregation Khal Torath Chaim

Rockland County Planning Board Members

**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.

