



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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July 27, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.06-2-54 49.06-2-53 49.06-2-52

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

Map Date: 3/3/2015

Date Review Received: 6/26/2015

Item: *CONGREGATION OHR CHAIM (R-2308E)*

Site plan for a Local House of Worship with a Rabbi's residence on 1.38 acres in an R-35 zoning district.
East side of Forshay Road, 165 feet north of Lodi Road

Reason for Referral:

Forshay 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***

- 1 An updated review of the March 3, 2015 site plan must be completed by the County of Rockland Department of Highways and all required permits obtained. The applicant must satisfactorily address the concerns raised in the Rockland County Highway Department's letter of July 18, 2014.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of June 30, 2015.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of July 2, 2015.

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4 A more detailed project narrative must be submitted. The floor area and building height of the proposed local house of worship addition must be specified. A breakdown of the total floor area dedicated to the local house of worship must be provided. Is the existing residential building on Lot 49.06-2-53 to serve as the Rabbi's residence? The residential building on Lot 49.06-2-54 is labeled as a caretaker's residence. Is this its intended use? A caretaker's residence is not mentioned in the project narrative. The parking calculation does not include the spaces required for a caretaker's residence. An explanation must be provided as to why 86 parking spaces are proposed when only 37 are required. This represents a 132 percent increase over the minimum standard. As a result of this abundance of parking, 80 percent of the surface area of this parcel is covered with impervious material. The development coverage is twice the permitted maximum, requiring a variance of 100 percent. Additional information must be provided to clarify the scope of this project and the need for 86 parking spaces.

5 As noted above, the proposed on-site parking far exceeds the minimum requirement. Twenty-three parking spaces are shown in the front yard and will therefore require a variance. These parking spaces shall be eliminated. This will reduce the extent of the maximum development coverage variance, and allow for landscaping along the county road frontage.

6 The applicant must consider using pervious pavers to reduce the extent of the development coverage.

7 It will be difficult for vehicles parked in spaces 23, 54 and 55 to exit these spaces. A turnaround area must be provided in each of the southern parking areas to facilitate safer turning movements. Parking spaces will have to be eliminated to accomplish this.

8 A handicapped entrance is indicated at the northern side of the main building in the center of the site. However, the handicapped parking spaces are provided in the southwestern parking area. These spaces must be relocated. In addition, an explanation must be provided as to why the handicapped entrance is at the residential side of the building. Handicapped access to the local house of worship must be appropriately located.

9 It appears that walls are proposed along the eastern, western and southern property lines. Additional information must be provided about these structures including the building material and height of each wall.

10 It is unclear whether the three lots are to be combined. This must be clarified. Cross-easements will be required for access, parking and utilities if the lots are not combined.

11 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 applicant is seeking a 100 percent increase over the permitted maximum development coverage. A 50 percent increase over the permitted maximum floor area ratio is also sought. In addition, a lot area and several yard and setback variances are required. The ability of the existing infrastructure to accommodate large facilities 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.

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12 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

13 The proposed local house of worship and the existing residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

14 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. Only one access driveway is proposed and the southern parking areas are not connected. It does not appear that larger emergency vehicles will be able to access all areas of the site.

15 There shall be no net increase in the peak rate of discharge from the site at all design points.

16 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

17 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

18 A landscaping and lighting plan shall be submitted for our review.

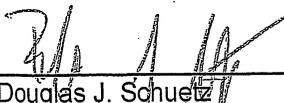
19 In order to ensure that the landscaping is not damaged by the weight of the snow or salt intrusion during snow removal, areas must be designated on the site plan for the storage of snow piles.

20 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the county road.

21. All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

22 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.

23 Map Note 15 must be revised to specify that variances were granted for Lot 49.06-2-52 only. Lots 49.06-2-53 and 54 were not included in Congregation Ohr Chaim's 2011 ZBA application.



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

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Rockland County Office of Fire and Emergency Services
Monsey Fire District
Anthony R. Celentano P.E.
New York State Department of State,
Division of Code Enforcement and Administration
Congregation Ohr Chaim

**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.