Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 4, 2016

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 41.19-3-18

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 4/1/2016 **Date Review Received:** 4/8/2016

Item: ***CONGREGATION BAIS ELAZAR, INC. (R-2499D)***

Site plan for a proposed 9,639 sq. ft. one-story house of worship on .584 acres in the R-35 zoning district. Changes to the site plan include signage and striping in the exit lane for "Right Turn Only" movements; and the addition of a Fire Department Connection to the west side of the building.

South side of Parker Boulevard, approximately 250 feet east of the intersection of Parker Boulevard and S. Parker Drive

Reason for Referral:

NYS Route 306, Village of New Hempstead

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 applicant must address the concerns raised in the Village of New Hempstead's letter dated May 14, 2015. A letter dated April 20, 2016 indicates that they have no additional comments.

2 An updated review must be completed by the New York State Department of Transportation. The comments in their October 6, 2015 letter must be addressed.

3 The comments in the April 12, 2016 letter from the Rockland County Sewer District #1 must be met.

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4 The bulk table shows that variances for front setback, front yard, side setback, total side setback, side yard, rear yard, maximum development coverage, maximum floor area ratio, off street parking, and parking in the yard were granted by the Zoning Board of Appeals at their February 18, 2016 meeting. However, it is not clear if variances were also granted for lot area, lot width, or street frontage, as this "variance granted" row is lacking information in these fields. The applicant must indicate all variances that have been granted. The Town must review the public hearing notice to ensure that all of the required variances are stated correctly for this application, and be re-issued if it was not. If these variances are still outstanding, then we request the opportunity to review them again.

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. Numerous variances are required to implement the proposed site plan, including a 70% increase in development coverage and a 90% increase for floor area ratio over what is permitted. Variances are also required for lot area, lot width, front setback, front yard, side setback, total side setback, side yard, rear yard and parking. The ability of the existing infrastructure to accommodate a non-residential use of this size 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 proposed house of worship must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

7 The parking calculation is still incorrect in that it does not include the total floor area of the building. The onsite parking requirement for this 9,639 SF building is 49 spaces, as noted in the project narrative. All application materials must be consistent. The parking calculation on the Planimetric Plan (Sheet 1 of 6) must be corrected.

8 The amount of parking proposed is almost 47% less than required. The narrative has indicated that any overflow parking needs can be accommodated along Parker Boulevard. The Town of Ramapo must monitor the site's parking needs to ensure that they are being met in a safe manner, either on site or off. Pedestrian linkages may be necessary along Parker Boulevard for the congregants.

9 Since variances have been granted for side setback and side yard, adjacent to the existing residences, supplemental evergreen landscaping must be provided to help shield these residents from the visual and audible impacts of this proposed non-residential use.

10 As indicated above, the proposed development coverage exceeds the allowable coverage by 67.5%. To reduce the amount of impervious surfaces, pervious pavers must be provided for the paved surfaces, such as the sidewalk areas, and parking lot.

11 The height of the wall must be provided on the plans, with measurements for both the top and bottom elevations cited. If the walls are proposed to be higher than four feet, then they should be tiered with landscaping between the tiers. Landscaping should also be planted along the length of the wall to soften the visual impact.

12 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.

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13 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.

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

15 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector, or the Monsey Fire District to ensure that there is sufficient maneuverability on site for emergency vehicles.

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

Sparaco & Youngblood, PLLC
Village of New Hempstead

**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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.