

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 15, 2016

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

Tax Data: 56.11-1-33

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

Map Date: 4/20/2016

Date Review Received: 6/6/2016

Item: *CONGREGATION CHASIDEI GUR OF MONSEY/38 SADDLE RIVER ROAD (R-2568)*

Variations for lot area, lot width, front setback (Emes Road), front yard (Emes Road), side setback, total side setback, side yard, maximum development coverage, floor area ratio and parking to allow the construction, maintenance and use of a local house of worship on .227 acres in an R-15A zoning district. West side of Saddle River Road and east side of Emes Road, 50 feet north of Albert Drive

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:

****Disapprove***

While local houses of worship are permitted by right in the R-15A zoning district, they are subject to the Use Group x.1 bulk standards. This site is deficient in meeting the minimum lot area and the lot width requirements. A 34 percent variance is needed for lot area; a 50 percent variance is required for lot area. We believe a variance is also required for street frontage. While this parcel has frontage on both Saddle River Road and Emes Road, each is less than the required 85 feet. The proposed house of worship requires a floor area ratio variance of 100 percent. The oversized structure needs several yard and setback variances. Since the building is less than ten feet from the northern and southern property lines, variances from the New York State Uniform Fire Prevention and Building Code will also be necessary. In addition, the required on-site parking is not achieved. Finally, the maximum permitted development coverage is exceeded by 60 percent. The number and extent of the required variances are a clear indication that this proposal will result in a gross overutilization of the site. Given the low density nature of the surrounding residential neighborhood, this proposal has the potential to change the community character of this area. The local house of worship must be scaled back significantly to more closely conform to the applicable bulk standards, and resubmitted for our review.

CONGREGATION CHASIDEI GUR OF MONSEY/38 SADDLE RIVER ROAD (R-2568)

The following comments address our additional concerns about the variances sought for this proposal.

- 1 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 365 feet northeast of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo.
- 2 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 maximum permitted floor area ratio and a 60 percent increase above the maximum allowable development coverage. The ability of the existing infrastructure to accommodate oversized facilities 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.
- 3 The proposed local house of worship must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 4 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.
- 5 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 6 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 7 It will be difficult for a vehicle parked in space 9 to maneuver out of the space given the location of the dumpster. The building entrance is not clearly defined, and staircases and exits are not shown on the site plan, making it difficult to assess the parking area in relation to pedestrian movement on site, and whether there will be safety issues for the congregants. A turnaround area must be provided so that vehicles can easily navigate the parking area. The staircases and building exits must be illustrated on the site plan so that safety issues can be properly evaluated.
- 8 The dumpster must be relocated so that it does not interfere with vehicles exiting parking spaces, particularly the proposed handicapped space.
- 9 The Town of Ramapo Building, Planning & Zoning Department's March 25, 2016 denial letter indicates that a fence setback variance is required. This variance is not noted on the bulk table. A variance for distance from the entrance to the intersection is included on the bulk table but not the denial letter. The need for this variance must be clarified. All application materials must be consistent. The public hearing notice must be reissued if it did not include all required variances.
- 10 It is unclear whether a street frontage variance is required. As noted above, the street frontage on both Saddle River Road and Emès Road is less than the required minimum of 85 feet. We believe a variance is needed. This must be clarified.
- 11 A legend must be provided that clarifies the map features.

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12 Map Note #7 must be corrected to reflect that the plan conforms to Section 239L & M of the General Municipal Law as this is an application for variances. It must also be noted that Section 239K no longer exists.



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
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Anthony R. Celentano P.L.S.
Village of Kaser

Congregation Chasidei Gur of Monsey
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.

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.

