

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 19, 2016

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.12-2-67

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

Map Date: 7/18/2016

Date Review Received: 8/12/2016

Item: *CONGREGATION ZICHRON YEHUDA V'CHANA (R-2070F)*

Site plan for a three-story, 1,159 SF addition and deck to a Rabbi's existing residence on .5516 acres in the R-25 zoning district. No changes are proposed to the local house of worship portion of the building. Parking lot modifications are also proposed.

Southeast corner of Viola Road and Kakiat Lane

Reason for Referral:

Viola Road (CR 74), Villages of New Hempstead and 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:

****Recommend the following modifications***

1 The Villages of New Hempstead and Spring Valley are two of the reasons this proposal was referred to this department for review. The New Hempstead municipal boundary is along the north side of Viola Road, approximately 60 feet north of the site; the Spring Valley municipal boundary is approximately 220 feet east of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

CONGREGATION ZICHRON YEHUDA V'CHANA (R-2070F)

The Villages of New Hempstead and Spring Valley must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Villages of New Hempstead and Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal

2 The applicant must comply with the conditions of the Rockland County Highway Department's letter of August 22, 2016.

3 The applicant must comply with the conditions of the Rockland County Health Department's letter of August 12, 2016.

4 The applicant must comply with the conditions of the Rockland County Sewer District # 1's letter of August 17, 2016.

5 The NYS Department of State has determined that the Town is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Town's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the local house of worship and the Rabbi's residence must be held to the requisite minimum standards and comply with all requirements of this code.

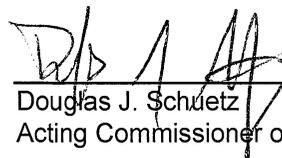
6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

7 Since only 14 of the required 22 spaces are provided on a lot with frontage on a county road and a dead-end street, the Town must be satisfied that there is adequate curbside parking available, along Kakiat Lane, to accommodate any overflow parking needs on this site. Alternatively, the applicant must pursue an off-site parking agreement with a nearby property owner. Under no circumstances may vehicles park along the County right-of-way.

8 The proposed building height as indicated on the bulk table is still 35 feet despite the addition of a third story. It is unclear why the building height is the same as previous submissions for a two-story addition. This must be clarified. If a building height variance is required, the application to the ZBA will be subject to a review by this department as mandated under the NYS General Municipal Law.

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

10 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.



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
New York State Department of State,

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Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Sparaco & Youngblood, PLLC
Villages of New Hempstead and Spring Valley

Congregation Zichron Yehuda V'Chana,

**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.

