

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 23, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.11-1-33

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

Map Date: 7/16/2017

Date Review Received: 7/31/2017

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

Site plan for a 3,182 SF local house of worship on .2296 gross acres (.2270 net 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 width. 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, we believe the required on-site parking is understated. 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 building footprint of the local house of worship must be scaled back significantly to more closely conform to the applicable bulk standards, and resubmitted for our review.

The following comments address our additional concerns about the proposed site plan.

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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 undersized, 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. The building footprint must be reduced to allow for closer conformance to the R-15A bulk standards.

3 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 proposed local house of worship must be held to the requisite minimum standards and comply with all requirements of this code.

The proposed local house of worship will require a variance from the New York State Uniform Fire Prevention and Building Code as the structure is within ten feet of the property line.

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 An updated review of the July 16, 2017 site plan must be completed by the Rockland County Health Department. In addition, the applicant must comply with the conditions of the Health Department's May 10, 2017 letter.

6 An updated review of the July 16, 2017 site plan must be completed by the Rockland County Sewer District #1. In addition, the applicant must comply with the conditions of the Sewer District's May 10, 2017 letter.

7 On July 15, 2016, this department issued comments on the variances required for this proposal. At that time, a parking variance was needed. The parking calculation specified a 2,800 SF worship area and 50 congregants. Fourteen parking spaces were required. Only nine parking spaces were illustrated on the April 20, 2016 site plan submitted for review at that time. The January 23, 2017 site plan depicted 13 parking spaces, the same row of nine spaces along the northern property line, plus four parallel parking spaces along the southern property line. The four parallel spaces are not shown on the current plan. The parking calculation indicates an 1,800 SF worship area and 45 congregants. Since the building envelope has not changed, it is unclear why a smaller worship area and fewer congregants are noted on the current site plan. These reductions should result in a smaller building footprint. Additional information must be provided about the layout and configuration of the 3,182 SF local house of worship.

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8 It will be difficult for a vehicle parked in space #9 to maneuver out of the space without a turnaround area. It is unclear what the line extending from the east side of the handicapped access aisle represents or if it will impede a vehicle exiting space #9. 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.

9 It is unclear whether a street frontage variance is required. As noted above, the street frontage on both Saddle River Road and Emes Road is less than the required minimum of 85 feet. We believe a variance is needed. This must be clarified.

10 The site plan includes notations about fencing along the northern and southern property lines. The property to the north is not owned by Weber so the notations must be corrected to reflect the actual owner.

11 Map Note 14 must be corrected to indicate the SUEZ is the water supplier.

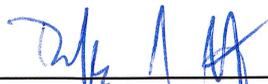
12 There shall be no net increase in the peak rate of discharge from the site at all design points.

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

15 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

16 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services

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

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.