

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 28, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.11-2-19

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

Map Date: 12/6/2016

Date Review Received: 2/14/2017

Item: *CONGREGATION CHERVA SHAS KEREN (R-1660F)*

Site plan for a 12,444 SF local house of worship on .319 acres in an R-15C zoning district.
East side of Route 306, 90 feet south of Homestead Lane

Reason for Referral:

NYS Route 306, 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:

****Recommend the following modifications***

- 1 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 The applicant must comply with the conditions of the February 7, 2017 letter from the Rockland County Health Department.
- 3 The applicant must comply with the conditions of the February 8, 2017 letter from the Rockland County Sewer District No. 1.
- 4 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 440 feet northwest of the subject site. 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.

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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. The applicant is proposing a 78 percent increase over the maximum permitted development coverage. The ability of the existing infrastructure to accommodate this increased residential density 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 parking calculation on the September 17, 2014 Layout Plan was based on 4,148 SF. The square footage in the current parking calculation is 2,400. The building footprint has not changed so it is unclear why fewer on-site parking spaces are required. This must be clarified. Additionally, the floor area of local house of worship is more than 12,000 SF. An explanation must be provided as to why only 2,400 SF is included in the parking calculation.

7 This department is not in favor of granting parking variances for sites located on state or county roads. Insufficient on-site parking can impede the safe and efficient flow of traffic along the state highway. The applicant is providing only 74% of the required number of parking spaces, and curbside parking is not available on NYS Route 306. An off-site parking arrangement must be pursued with a nearby property owner and formalized in writing. Sidewalks and/or pedestrian crosswalks may need to be constructed if off-site parking is provided, to ensure that pedestrians walking to and from the site will be safe.

8 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 building must be held to the requisite minimum standards and comply with all requirements of this code.

9 A review must be completed by the Rockland County 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.

10 To reduce the extent of the development coverage, paved areas must be replaced with permeable materials or pervious pavers.

11 All proposed entrances, stoops, stairways, areaways and window wells must be illustrated on the site plan demonstrating that they will not affect yard requirements and parking maneuverability for the site. If sidewalks are proposed, they must also be shown on the plans.

12 The parking turnaround area at the southern end of the parking lot must be increased in size. It does not provide sufficient area for vehicles parked in the two southern spaces to maneuver out of these spaces.

13 The proposed location of the garbage enclosure will require sanitation vehicles to traverse a narrow driveway and parking area. The potential for traffic conflicts between both vehicles and pedestrians is great. In addition, parked vehicles will be blocked from exiting parking spaces when the dumpster is being emptied. The garbage enclosure must be relocated.

14 The existing conditions underlay the proposed local house of worship on all three drawings making it difficult to evaluate this project. A separate existing conditions map must be provided.

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15 In earlier submissions, a sewer easement was proposed on the adjacent lot owned by the East Ramapo School District. It is not shown on the current drawings. Clarification must be provided. If the sewer easement is still required, it must be indicated on the map and the applicant must provide a letter from the School District stating that this sewer easement is acceptable to them.

16 The Landscaping and Erosion Control Plan does not show any plantings in the proposed rain garden. This information must be provided on Drawing Number 3.

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

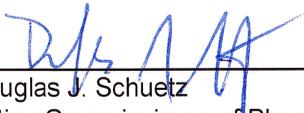
18 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

19 The Town of Ramapo's Building, Planning and Zoning Department must confirm the accuracy of the bulk requirements listed in the bulk table. They appear to include some R-15C standards for Use Group x.1, as well as some reduced standards for non-complying lots as per Section 376-131.D. (1). We believe this section of the Code only applies to residential development, and therefore the lot width, side setback, total side setback and street frontage requirements are understated. This must be clarified as additional variances may be required. Additional variances required for this proposal are subject to a review by this Department, as mandated by the New York State General Municipal Law.

20 General Note #7 is incorrect, as a site plan is proposed, and Section 239n refers to subdivisions. This must be changed to 239 l and m.

21 General Note 7 must be corrected to reflect that SUEZ is the water supplier.

22 A north arrow and scale must be provided on the vicinity map.



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
Rockland County Drainage Agency
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Civil Tec Engineering & Surveying PC
Village of Kaser

Congregation Chera Shas Keren

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.