



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 23, 2019

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 57.17-4-63

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

Map Date: 7/18/2019

Date Review Received: 8/9/2019

Item: 113 S. MADISON AVENUE (R-2691A)

Site plan for the construction of a local house of worship with a Rabbi's residence on 0.2583 acres in the R-15 zoning district. Variances were previously granted for lot area, front setback, front yard, side setback, total side setback, rear setback, deck rear setback, development coverage, floor area ratio, and parking, conditioned on obtaining a permanent easement for seven parking spaces from Opal Garden. West side of South Madison Avenue, approximately 265 feet north of Old Nyack Turnpike

Reason for Referral:

Villages of Spring Valley and Chestnut Ridge, Old Nyack Turnpike (CR 52), South Main Street (NYS Route 45)

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*

1 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 subject parcel is undersized with only 75 percent of the minimum lot area provided. The maximum permitted development coverage is exceeded by 60 percent while the floor area ratio is exceeded by 87.5 percent. We believe a 25 percent variance is also required for lot width, as well as a 40 percent variance for street frontage. 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.

We concur with the Town Planning Consultant's recommendation that the proposal be revised to minimize or eliminate the required variances. The building footprint shall be reduced to more closely comply with the R-15 bulk standards.

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2 We do not believe that Section 376-131.D.(1) is applicable to this application as the primary use is the local house of worship, not the Rabbi's residence. The non-complying lot provisions of this section of the Zoning Law relate to a one-, two- or three-family detached residence. The bulk table must be corrected to reflect the R-15 bulk standards for a local house of worship rather than the relaxed requirements of Section 376-131.D.(1).

3 The parking requirement for places of worship is one space per 200 SF of floor area or five seats capacity, whichever is greater. Since up to 75 congregants are anticipated, 15 spaces are required for the place of worship, plus two for the Rabbi's residence. Therefore, the parking variance is understated. Only 29% of the required on-site parking is provided, a further indication that this proposal will result in a gross overutilization of the site. The floor area of this place of worship must be reduced so that the parking requirement is achieved.

The following comments address our additional concerns about this proposal:

4 The site plan and the project narrative, both dated July 18, 2019, indicate that a permanent easement will be granted to allow seven parking spaces on the Opal Garden property. No other information is provided about this off-site parking arrangement. The current use and location of Opal Garden must be specified. It is unclear if a connection will be provided to link the properties to ensure pedestrian safety; this must be clarified. Given that the parking requirement is understated in the bulk table, it must also be determined if additional off-site parking spaces can be provided.

5 A review must be completed by the Rockland County Highway Department, and any required permits obtained.

6 A review must be completed by the New York State Department of Transportation, and any required permits obtained.

7 The Villages of Spring Valley and Chestnut Ridge are two of the reasons this proposal was referred to this department for review. The Spring Valley municipal boundary is along South Madison Avenue and 50 feet east of the site; the Chestnut Ridge municipal boundary is along the center line of Old Nyack Turnpike and 290 feet south 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.

The Villages of Spring Valley and Chestnut Ridge 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 Spring Valley and Chestnut Ridge must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

8 The applicant must comply with the comments made by the Rockland County Health Department in their letter of August 19, 2019 regarding compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

9 The applicant must comply with the conditions of the Rockland County Sewer District No. 1 in their letter of August 15, 2019.

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10 The proposed local house of worship must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

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

12 It will difficult for a vehicle parked in the northwestern space to maneuver out of this spot without a turnaround area. The proximity of the staircases is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A congregant descending the stairs will walk directly behind the parked vehicle. A turnaround area must be provided so that vehicles do not have to back out into the roadway. There must be sufficient space between the building access and the parking area to ensure pedestrian safety as congregants arrive and depart from services.

13 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in the northwestern space. The dumpster enclosure must be moved to a more accessible location.

14 If the southwestern space is to serve as a handicapped spot, it must be labeled as such on the map and in the field.

15 The development coverage and floor area ratio (FAR) calculations must be provided on the site plan so their accuracy can be verified. Given the size of the building footprint, we believe the FAR may be understated. The gross floor area must also be indicated on the site plan. If a greater variance is required for FAR, a revised ZBA application must be referred to this department for review as mandated by the New York State General Municipal Law.

16 Pervious pavers shall be used wherever possible to reduce the development coverage.

17 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by congregants.

18 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

19 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

20 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.

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

22 The Town of Ramapo's Zoning Map indicates that the parcel is within the R-15 zoning district; our mapping records confirm this zoning designation. The application materials are not consistent. General Note 3 on the site plan specifies the R-15A zoning district but the bulk table indicates the R-15 zone. The GML referral form references the R-15A zoning district. All application materials must be consistent. If the public hearing notice included the wrong zoning district, it must be revised and reissued.

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- 23 General Note 8 must be revised to reference Section 239 L & M of the General Municipal Law since this is an application for a site plan not a subdivision.
- 24 General Note 12 must be corrected to reference the Spring Valley Fire District.
- 25 The vicinity map must include a scale.
- 26 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 27 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.
- 28 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 Michael B. Specht, Ramapo
New York State Department of State
New York State Department of Transportation
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District

Civil Tec Engineering & Surveying PC
Villages of Spring Valley and Chestnut Ridge

113 S. Madison Ave, LLC

Mona Montal, Chief of Staff
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.

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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.

