



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 4, 2019

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

Tax Data: 57.17-4-63

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

Map Date: 8/31/2018

Date Review Received: 2/28/2019

Item: 113 SOUTH MADISON AVENUE (R-2691)

Variations for lot area, front setback, front yard, side setback, total side setback, rear setback, deck rear setback, development coverage, floor area ratio and parking to allow the construction of a local house of worship with a Rabbi's residence on .2583 acres in an R-15 zoning district.

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. We believe a 25 percent variance is also required for lot width, as well as a 40 percent variance for street frontage. The applicant is seeking a 60 percent increase over the maximum permitted development coverage, and an 87.5 percent increase over the maximum allowable floor area ratio. 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.

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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).

The following comments address our additional concerns about this proposal.

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

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

5 The Villages of Spring Valley and Chestnut Ridge are one 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.

6 A review must be completed by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

7 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.

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

9 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.

10 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.

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

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

13 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.

14 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. The Building Department's September 24, 2018 CDRC comments indicate that the property is zoned R-15. All application materials must be consistent. If the public hearing notice included the wrong zoning district, it must be revised and reissued.

15 The Building Department's September 24, 2018 CDRC comments do not specify that a parking variance is required. All application materials must be consistent. If the public hearing notice did not include all required variances, it must be revised and reissued.

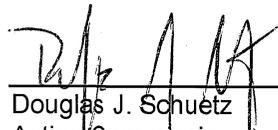
16 General Note 8 must be revised to reference Section 239 L & M of the General Municipal Law since this is an application for variances not a subdivision.

17 General Note 12 must be corrected to reference the Spring Valley Fire District.

18 The vicinity map must include a scale.

19 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.

20 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
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District
New York State Department of Transportation

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

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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.

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.