Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 28, 2019

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

Tax Data: 50.13-2-4.34

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/19/2018 **Date Review Received:** 1/9/2019

Item: ***CONGREGATION CHASHRAS MAYIM, INC./19 WIDMAN COURT (R-279S)***

Variances for front setback (Bluefield Drive), front yard (Bluefield Drive), total side setback, development coverage and parking to allow the construction of an addition to a local house of worship contained in one of the three units in an existing semi-attached, three-family dwelling on .387 acres in an R-15C zoning district. The Rabbi's residence and a caretaker's residence comprise the remaining units. Lot width, side setback and parking variances were previously granted. Variances were also granted to allow the principal use (local house of worship) to be smaller than the residences, and to permit a caretaker's residence.

West side of Widman Court, approximately 200 feet south of Bluefield Drive, and east side of Bluefield Drive

Reason for Referral:

Village of 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:

***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 applicant is seeking a 40 percent increase over the allowable maximum development coverage, as well as yard, setback and parking variances. The ability of the existing infrastructure to accommodate non-conforming facilities 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 of the addition must reduced, and the proposal scaled back so that the R-15C bulk standards are achieved.

CONGREGATION CHASHRAS MAYIM, INC./19 WIDMAN COURT (R-279S)

2 The building footprint of the proposed addition is approximately 3,100 SF; the height of the addition is not specified. This large addition requires front setback and front yard variances and causes the development coverage to exceed the permitted maximum by 40 percent. In a recent GML review of a Local Law amending the Ramapo Zoning Code to permit houses of worship in multi-family dwellings, this department recommended that the Town abandon the amendment. We were concerned about the impact on densely developed neighborhoods of local house of worship proposals such as the one before us. Our review contained more than a dozen recommendations for improving the amendment so that, if allowed in multifamily dwellings, local houses of worship would be properly regulated. The Town Board voted to adopt the amendment as proposed; our recommendations were overridden. Given the valid concerns raised in that GML review, we recommend that the requested variances be denied.

The following comments address additional concerns about this proposal.

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

4 In addition to the General Note 37 on the ZBA Plan which specifies that the existing well will be decommissioned in compliance with Article II of the Rockland County Sanitary Code, an approval must be obtained from the Rockland County Health Department prior to initiating any decommissioning activity.

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

6 The proposed addition to the house of worship and the existing mixed-use building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. It appears that a NYS variance will be required since a deck is proposed within ten feet of the southern property line.

7 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.

8 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 185 feet west and 190 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.

The Village of 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 Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposed use.

9 The parking calculation indicates that 2,500 SF of the addition to the house of worship will be shul space. Since the addition's building footprint is approximately 3,100 SF and its height is not provided, the use of all square footage within the existing and proposed local house of worship space must be specified. Additional parking spaces may be required for office space and other uses within the building.

CONGREGATION CHASHRAS MAYIM, INC./19 WIDMAN COURT (R-279S)

10 The four proposed parking spaces now fulfill only 17 percent of the on-site parking requirement for the local house of worship and two residential units. The Town must be satisfied that there is adequate curbside parking available for the proposed local house of worship. Alternatively, the applicant must pursue off-site parking arrangements with nearby property owners.

11 The development coverage and floor area ratio calculations must be provided on the ZBA Plan to verify their accuracy and ensure that additional variances are not required.

12 A scale shall be provided on the vicinity map.

13 Map Notes 5 and 6 must be corrected to reflect that a local house of worship, Rabbi's residence and caretaker's residence is both the existing and proposed use.

14 Map Note 7 must be revised to reference Section 239 L & M of the General Municipal Law, as this is an application for variances not a subdivision.

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 Michael B. Specht, Ramapo
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Civil Tec Engineering & Surveying
Village of Spring Valley

Congregation Chashras Mayim Inc.

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.

CONGREGATION CHASHRAS MAYIM, INC./19 WIDMAN COURT (R-279S)

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.