

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 23, 2019

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 41.14-2-1

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

Map Date: 1/28/2019

Date Review Received: 3/13/2019

Item: *CONGREGATION K'HAL TEFILLAH L'DOVID (R-2255E)*

Final site plan for a local house of worship with a Rabbi's residence on .6017 acres in an R-35 zoning district. Variances were previously granted for lot area, lot width (Forshay Road and Grandview Avenue), front setback (Forshay Road and Grandview Avenue), front yard (Forshay Road and Grandview Avenue), side setback, rear setback and parking in the front yard. Rear yard, rear setback and parking stall width variances were recently granted due to site plan revisions. Southeast corner of Grandview Avenue and Forshay Road

Reason for Referral:

Forshay Road (CR 81), Grandview Avenue (CR 80), Village of Wesley Hills

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 The Village of Wesley Hills is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Forshay Road to the west and Grandview Avenue to the north, both directly adjacent to 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 Wesley Hills 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 Wesley Hills must be considered and

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satisfactorily addressed, as well as any additional concerns about the proposal.

2 An updated review of the January 28, 2019 site plan must be completed by the Rockland County Highway Department. In addition, the applicant must comply with the conditions of the Highway Department's letter of December 4, 2018.

3 An updated review of the January 28, 2019 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 letter of May 25, 2018.

4 An updated review of the January 28, 2019 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 #1's letter of January 22, 2019.

5 The local house of worship and Rabbi's residence must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

6 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.

7 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 ability of the existing infrastructure to accommodate facilities of this size on undersized, non-conforming lots 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.

8 The square footage devoted to the house of worship is 2,150 SF. The worship area is 1,370 SF. The purpose of the remaining 780 SF must be specified.

9 It will difficult for a vehicle parked in space 9 to maneuver out of the space without a turnaround area. The proximity of the walkway to the proposed addition is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A congregant will walk directly behind the parked vehicle. A turnaround area must be provided so that vehicles do not have to make multiple turning maneuvers or back into the County road. The sidewalk must be re-oriented so that congregants do not walk behind a parked vehicle.

10 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in space 9. The dumpster enclosure must be moved to a more accessible location.

11 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. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. 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.

12 The site plan must indicate that there will be a gratuitous dedication along Forshay Road and Grandview Avenue to the Rockland County Highway Department for road widening purposes.

13 Immediately adjacent structures and driveways must be illustrated on the site plan, as well as those on the opposite sides of Forshay Road and Grandview Avenue.

14 The angle of the Forshay Road driveway is awkwardly configured, and dangerous as a result. It will be difficult to make a left turn in to, or a right turn out of the site. The driveway access must be redesigned.

15 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

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- 16 It must be specified as to what is the "30" Diameter Cover" to the south of the addition.
- 17 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- 18 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 Guidelines for Urban Erosion and Sediment Control.
- 19 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 20 Map Note 10 must be corrected to indicate that Suez is the water supplier.
- 21 Map Note 15 is incomplete. It must include the variances that were granted, the ZBA meeting dates and the resolution numbers.
- 22 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.
- 23 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
Monsey Fire District

Anthony R. Celentano P.E.,
Village of Wesley Hills

Congregation K'hal Tefillah L'Dovid

Mona Montal, Chief of Staff

**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.