

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 8, 2019

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.08-2-51

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

Map Date: 12/5/2018

Date Review Received: 1/10/2019

Item: *CONGREGATION SHEFA CHAIM (R-2229D)*

Site plan for a local house of worship with a Rabbi's residence on .3134 acres in an R-15C zoning district.
East side of Suzanne Drive, 300 feet north of Maple Avenue

Reason for Referral:

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 Local House of Worship is defined in the Town of Ramapo's Zoning Law as a building used exclusively for the conduct of organized religious services with the occupancy of the sanctuary space not to exceed 100 persons. Residence by an officiating clergyman is permitted as an accessory use. No school is permitted. Outside catering is permitted upon receipt of a special permit for such use. Accessory is a term applied to a building, structure or use which is clearly incidental or subordinate to, and customarily in connection with, the principal building, structure or use and which is located on the same lot with the principal building, structure or use.

It is unclear which use is intended as the primary use. The bulk table indicates a floor area ratio of .90. Given the lot area of 13,650 SF, the total building floor area must be approximately 12,285 SF. The parking calculation on the site plan indicated that the shule is 2,000 SF. This represents just over 16 percent of the building floor area and cannot be considered a primary use. The total floor area of the proposed building must be clarified. The applicant must provide an explanation of how the total floor area is to be divided between the two proposed uses. The Town must indicate if the local house of worship can be an accessory use to the residence.

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- 2 It is our understanding that the existing structure is to be demolished, and a new building will be constructed. As noted above, the square footage of the proposed structure must be specified. Based on the proposed floor area ratio of .90, the building will be over 12,000 SF. The parking calculation indicates that the shule is 2,000 SF. This number has not changed since we first reviewed an earlier version of this proposal in 2008. Is this figure still accurate? If so, the proposed use of the remaining 10,000 SF must be clarified. The on-site parking requirement is a function of the proposed uses. The square footage devoted to different uses must be clarified, and the appropriate calculations for each use shown on the site plan. The parking requirement for the Rabbi's residence must be included in the parking calculation.
- 3 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 460 feet west of the subject property. 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.
- 4 The applicant must comply with the conditions of the Rockland County Health Department's letter of January 16, 2019.
- 5 An updated review of the December 5, 2018 site plan must be completed by the Rockland County Sewer District No. 1. In addition, the applicant must comply with the conditions of the Sewer District's letter of July 9, 2015.
- 6 The proposed house of worship and Rabbi's residence must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The Town of Ramapo Building, Planning and Zoning Department's September 12, 2014 denial letter includes comments from the Fire Inspector regarding NYS Fire Code requirements. An aerial apparatus access road is required if the building is over 30 feet in height. There must be sufficient water to meet the fire flow requirement specified in Section 508.3 of the NYS Fire Code. A fire hydrant must be located within 600 feet of the building. We believe a NYS variance is required since the building is within seven feet of the southern property line.
- 7 A review must be completed by the Rockland County Office of Fire and Emergency Services and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles. The Town Fire Inspector notes that the fire service is opposed to parking variances as emergency vehicle access may be slowed.
- 8 Parking space 8 is in very close proximity to the building and an exterior staircase. Its location raises concerns about pedestrian safety. This space must be located further from the structure.
- 9 Parking spaces 2, 3 and 4 are parallel to the northern property line. The area to the east of space 4 will likely serve as a turnaround area for spaces 5 through 8. It might also provide access to the dumpster enclosure. We are concerned that this area will be mistaken for a fourth parallel parking space. It must be clearly labeled as a "no parking" zone in the field.
- 10 As configured, it will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in space 5. The dumpster enclosure must be reoriented so the opening is not alongside a parking space.
- 11 Trees to remain are shown in the dumpster enclosure and parking spaces 6 and 7. The Landscape and Lighting Plan must be corrected to indicate that these trees will be removed.
- 12 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 13 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. This is especially critical since the minimum on-site parking requirement is not achieved.

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14 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.

15 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

16 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.

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

18 The project narrative indicates that the previously granted variances have expired, and the site plan revisions have resulted in increased non-conformity for total side setback and development coverage. All expired and new variances required for the proposed house of worship and Rabbi's residence are subject to a review by this department, as mandated under the New York State General Municipal Law.

19 The second sheet in the set of drawings submitted as part of this application is untitled, and shows more of the lot to the north than the subject site. Please advise if a sheet is missing from this set of drawings, or if this sheet was misprinted.

20 Map Note 10 must be corrected to reflect that SUEZ is the water supplier.

21 Map Note 15 is incomplete. The date of the ZBA hearing and the case number must be indicated. Map Note 20 also references a ZBA hearing (Case Number XBA 4201). If both map notes are referencing the same ZBA hearing, one must be eliminated.

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 Health
Rockland County Sewer District #1
New York State Department of State
Monsey Fire District
Rockland County Office of Fire and Emergency Services

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Congregation Sehfa Chaim

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. 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.