



# 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 9, 2019

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 57.09-1-5

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

**Map Date:** 5/2/2014

**Date Review Received:** 2/26/2019

**Item:** *OIZ VEHUDOR/BNEI YECHIEL (R-2320C)*

Re-approval of a final site plan for a local house of worship on .3972 acres in an R-15C zoning district. Variances were previously granted for front setback (Stephen Place), front yard (Stephen Place), side setback, total side setback, rear yard, rear setback, developmet coverage and parking.  
Southeast corner of Stephen Place and Herrick Avenue

**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:

***\*Recommend the following modifications***

1 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is approximately 355 feet east of the site. This area of Spring Valley is zoned R-2, a medium density residential district characterized by one- and two-family residences. 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 local house of worship.

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- 2 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 increased residential density on undersized 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.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District #1's February 26, 2019 letter.
- 4 The proposed local house of worship must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. It appears that a NYS variance is required as the building is within seven feet of the eastern property line.
- 5 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 6 The applicant must satisfactorily address the conditions of the Ramapo Fire Inspector's February 25, 2019 memorandum.
- 7 Our department reviewed earlier versions of this project in 2011. At that time, a Rabbi's residence was also proposed. While a stand-alone, two-car parking area with a separate driveway is still shown on the site plan, the application materials no longer mention the Rabbi's residence. Clarification must be provided. If a Rabbi's residence is proposed, Map Note 4 must be revised accordingly.
- 8 It appears that a variance is required for floor area ratio (FAR). The building footprint is approximately 5,860 SF. A three-story structure will have a gross floor area of about 17, 580 SF resulting in an FAR of more than 1.0. The number of stories and gross floor area must be provided, as well as an FAR calculation. If a variance is required for FAR, a revised application must be submitted to the ZBA, and referred to this department for review as mandated under the NYS General Municipal Law.
- 9 The parking calculation indicates that the shule is 8,807 SF. If additional space is devoted to worship or congregation activities, more on-site parking will be required. The parking provided fulfills only 27 percent of the on-site parking required for an 8,807 SF shule. We believe the parking requirement is understated. Given the size of the structure, information must be provided about the purpose of the remaining floor area.
- 10 The required side setback variance is understated in the bulk table. As noted above, the central portion of the eastern side of the structure is within seven feet of the property line. The bulk table must be corrected. A revised application must be submitted to the ZBA, and referred to this department for review as mandated under the NYS General Municipal Law.
- 11 The Building Department's February 26, 2019 CDRC memorandum questions whether the rear window wells are part of the foundation, and notes that if so, setback measurements shall be taken from that point. It is also noted that a variance may be needed. This must be clarified as one of these features is only six feet from the eastern property line.
- 12 It is unclear what the small rectangles on the north, east and west sides of the structure represent, or the larger rectangles on the east side of the building. In addition, semi-circles are depicted on the south side of the structure. Their purpose is not indicated. All building features must be labeled on the site plan.
- 13 The development coverage calculation must be provided on the site plan so its accuracy can be verified.
- 14 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in space 2. The dumpster enclosure must be moved to a more accessible location.

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15 A turnaround area must be provided at the southern end of the parking lot. As configured, it will be difficult for a vehicle parked in space 12 to maneuver out of the spot. The proximity of the access drive is also a concern given the likelihood of traffic conflicts with vehicles entering the site. It will also be difficult to maneuver out of space 1 without a turnaround area. The walkway from the building entrance to the parking area ends approximately eight feet behind space 1. This raises concerns about pedestrian safety. A turnaround area must be provided, and adequate separation between pedestrian and vehicular movements.

16 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

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. 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 critical since the minimum on-site parking requirement is not achieved.

18 All trees to be removed must be labeled as such. An apple tree is shown in parking space 9, and a pear tree is depicted immediately south of the proposed structure.

19 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.

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 Guidelines 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 Map Note 10 must be corrected to indicate that SUEZ is the water supplier.

23 Map Note 15 is incomplete. If variances were previously granted, they must be specified, and the ZBA meeting date and resolution number provided.

24 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.

25 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.

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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  
Spring Valley Fire District

Anthony R. Celentano P.E.  
Village of Spring Valley

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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.*