

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

January 28, 2019

Ramapo Town Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:**

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

**Map Date:**

**Date Review Received:** 12/21/2018

**Item:** *TOWN OF RAMAPO/HOUSES OF WORSHIP IN MULTI-FAMILY DWELLINGS (R-2678)*

Local Law amending the Zoning Code to permit houses of worship in multi-family dwellings.  
In the R-15, R-15A and R-15C zoning districts.

**Reason for Referral:**

State and County roads, streams, parks and facilities, and adjacent municipalities.

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 This department has reviewed local laws in other municipalities that proposed to add gathering places or local houses of worship or places of assembly as special permit uses in single-family residences. In these GML reviews, we agreed that these uses must be subject to a higher level of review. Therefore, we recommended separate bulk requirements, limitations on the residential square footage occupied by this use, adequate buffering of adjacent properties, safe and sufficient parking, as well as review and approval by appropriate boards. The proposal before us suggests that local houses of worship be permitted in multi-family dwellings as of right. We disagree. A special permit must be required for this use in any residential structure; it must be subject to stricter standards to protect the predominant community character. The special permit applications will be subject to a review by this department as required under the New York State General Municipal Law.

2 As submitted, this amendment to the Zoning Law proposes to permit houses of worship in multi-family dwellings in the R-15, R-15A and R-15C zoning districts. Multi-family dwellings are defined in Section 376-5 as a building containing three or more dwelling units. This is not a permitted use in the R-15 zoning district so it is unclear why this zoning district is included in the amendment. Reference to the R-15 zone must be eliminated from the amendment.

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3 This department is not in favor of permitting houses of worship in multi-family dwellings as of right, particularly in the R-15A and R-15C zoning districts. Recent GML referrals for variance applications in the R-15A document a concerning trend toward overdevelopment. In most cases, a doubling of the residential density is proposed on parcels that do not meet the minimum lot area requirement for a single-family dwelling. In addition, the on-site parking is often deficient or awkwardly configured. We do not believe that detached, two-family dwellings with an accessory apartment, or semi-attached, single-family dwellings with an accessory apartment in the R-15A zoning district can also accommodate a house of worship. This is especially true on undersized, non-conforming lots. Our concerns are greatly magnified when considering this use in multi-family dwellings in the R-15C zoning district. The GML referrals for ZBA applications in this zone are typically for multiple variances of significant magnitude. We frequently note that these proposals will result in an overutilization of the site, and a negative impact on infrastructure capacity. The intensity of the residential land use permitted in the R-15C zoning district is a long-standing concern of this department; we believe that the addition of a house of worship in these structures would be imprudent, and must not be permitted. We recommend that the Town abandon this amendment to permit houses of worship in multi-family dwellings.

The following comments address our additional concerns about this amendment.

4 It is unclear if this use is to only be permitted in a new structure, or if local houses of worship will also be allowed in existing multi-family dwellings. This must be clarified.

5 It is unclear why the amendment proposes a reference to the Definitions section of the Zoning Law in Column B-1 (Use Group) for Neighborhood Houses of Worship in the R-15, R-15A and R-15C. Sections 1 and 2 of the amendment specify that the bulk requirements shall be the use group for the multi-family dwelling in which the House of Worship is located. A specific Use Group must be assigned in Column B-1. Since Use Group x.1, x.2 and x.3 apply for residences with three or more units in the R-15A and R-15C zoning districts, they must be referenced. As noted above, it must be categorized as a special permit use rather than an as-of-right use.

6 A Neighborhood House of Worship in a multi-family dwelling must have stricter bulk standards related to buffer requirements, lighting and on-site parking since it intensifies the primary land use.

6a. Adjacent residential properties must be sufficiently buffered, as this use will result in more vehicular and pedestrian traffic.

6b. Additional lighting may be necessary to ensure the safety of congregants in the evening hours. Nearby residents must not be subjected to fields of illumination extending onto their property.

6c. A parking requirement must be established that relates to the square footage devoted to the house of worship, or the total number of congregants. The minimum off-street parking spaces shall not be determined by the Planning Board, but rather a specific standard identified.

6d. Specific criteria must be established for maximum floor area dedicated to the house of worship use, minimum number of bathrooms, handicapped access, ADA compliance and sidewalk connectivity for safe pedestrian access.

7 The proposed definition of Neighborhood House of Worship includes a requirement that at least seventy-five (75) percent of the membership must live within a three quarter mile radius of the House of Worship. Additional information must be provided as to how this requirement will be enforced and monitored. Three-quarters of a mile is a long way to walk in cold or inclement weather, and raises the question of adequate on-site parking. As noted above, this use must be subject to a specific on-site parking requirement beyond the spaces for the residential units.

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8 The ability of the existing infrastructure to accommodate mixed uses in residential neighborhoods 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.

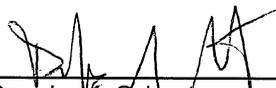
9 A Neighborhood House of Worship proposed in a multi-family residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

10 A Neighborhood House of Worship shall not be permitted in a multi-family residential building on an undersized or non-conforming lot. This more intensive land use must not be contained in a residential structure that exceeds the maximum floor area ratio and development coverage standards, and requires yard and setback variances, as this is an indication that the site is currently overutilized. Only oversized parcels shall be considered so that appropriate buffers and additional parking can be provided.

11 Site plans for a proposed Neighborhood House of Worship in a multi-family residential building are subject to a review by this department as required under the New York State General Municipal Law.

12 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.

13 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  
New York State Department of Transportation  
Rockland County Department of Highways  
New York State Department of Environmental Conservation  
Rockland County Drainage Agency  
Palisades Interstate Park Commission  
Rockland County Division of Environmental Resources  
Rockland County Department of General Services,  
Division of Facilities Management  
Rockland Community College  
  
Clarkstown, Haverstraw  
Airmont, Chestnut Ridge, Hillburn, Kaser,  
Montebello, New Hempstead, New Square, Pomona,  
Sloatsburg, Spring Valley, Suffern, Wesley Hills  
Dennis Lynch, Assistant Town Attorney

Mona Montal, Chief of Staff  
Rockland County Planning Board Members

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*\*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.*