



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

November 13, 2013

ARLENE R. MILLER
Deputy Commissioner

Spring Valley Zoning Board of Appeals
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 57.45-1-34

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

Map Date: 1/26/1994

Date Review Received: 11/7/2013

Item: CONGREGATION MACHZIKEI HADAS OF BELZ (SV-464M)

Variances for side yard, rear yard and floor area ratio to allow the installation, maintenance and use of a portable trailer to be used as additional classroom space for an existing school on .8126 acres in an R-2 zoning district. A variance is also required for a second principal building on the site.

West side of North Cole Avenue, 655 feet south of Church Street

Reason for Referral:

Town of Ramapo

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 Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is along the western property line 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 Town of Ramapo 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

CONGREGATION MACHZIKEI HADAS OF BELZ (SV-464M)

sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the variances required for the installation of the proposed trailer.

2 It is unclear whether the proposed trailer will be used on a temporary basis. The September 11, 2013 narrative indicates the proposed trailer will accommodate the school's need for the next two to three years. Will the trailer be removed at the end of that time frame? This must be clarified.

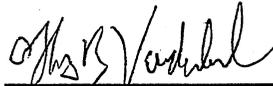
3 The application materials submitted indicate that the tax identification number for the subject site is 57.45-1-35. This is incorrect. The subject site is 57.45-1-34. This must be corrected. All application materials must be consistent.

4 The applicant owns three contiguous lots. Aerial photographs indicate that part of the school building and some of the parking for the subject site are located on Lot 57.45-1-33. If all three lots are used for educational purposes, the applicant shall consider eliminating the lot lines to combine the parcels.

5 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 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 Village must consider the cumulative and regional impacts of permitting such development.

6 It is unclear whether the parking calculation provided on the January 26, 1994 map reflects current conditions. The project narrative included with the application does not address on-site parking requirements. No information is provided about the current student enrollment so it is not possible to determine how many on-site parking spaces are required for this use. In addition, it is unclear if the school building is used for any other purposes. At one time, a catering hall use was proposed. That use is included in the parking calculation on the map but is not addressed in the other application materials.

Lastly, the parking calculation on the map submitted as part of this application, indicates that the 44 required on-site parking spaces are provided. However, seven existing parking spaces (#s 19 through 25) will be eliminated as a result of the trailer installation reducing the number of on-site parking spaces to 37. Therefore, a parking variance is required. A parking calculation must be provided that reflects the current student population and all uses proposed on the site, and the bulk table must indicate that the parking is insufficient and that a variance is needed.



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Mayor Noramie Jasmin, Spring Valley
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Peter E. Roffino
Town of Ramapo

Nachman Baumgarten

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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.

