



COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

August 20, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 57.45-1-36

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

Map Date: 4/4/2014

Date Review Received: 7/30/2014

Item: *CONGREGATION MACHZIKEI HADAS OF BELZ (SV-810B)*

Variances for lot area, lot width, front yard, side yard and total side yard to allow the conversion of a single-family residence to a nursery school. The .2228-acre site is located in an R-2 zoning district. East side of North Cole Avenue, 600 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 By definition, special permit uses are subject to a higher standard of review than as-of-right uses. The Village must be satisfied that the proposed nursery school complies with the provisions of Article VII of the Zoning Code, particularly Section 255-27. In addition, it must conform to the R-2 bulk standards and the additional use requirements outlined in Section A-2.E.
- 2 The subject site requires a lot area variance of more than 61 percent. It also does not meet the minimum standards for lot width, front yard, side yard and total side yard. The Village must evaluate whether it is appropriate to allow a nursery school to operate on a significantly undersized parcel. It may not be possible to provide the on-site amenities typically associated with a nursery school on this parcel.
- 3 The application to the Zoning Board of Appeals does not include a project narrative detailing the specifics of this nursery school proposal. A narrative must be prepared that includes detailed information about the student population, number and type of staff, hours of operation, drop-off and pick-up procedures and the provision of on-site amenities for the use and enjoyment of the children.

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4 The bulk table indicates that three parking spaces are required based on the student population. These parking spaces are not delineated on the site plan. A revised plan must be submitted illustrating that three parking spaces can be provided, and maneuverability on the site is feasible. If these spaces cannot be safely configured, a parking variance will be needed.

5 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 200 feet west 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 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 proposal.

6 No recreational space is indicated on the site plan. Other municipalities require a minimum recreational area of 30 SF per student. Using that standard, 1,080 SF should be dedicated for recreational space.

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. As noted above, the applicant is seeking a 61.2 percent reduction in the minimum lot area standard. The ability of the existing infrastructure to accommodate nursery school facilities 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 Village must consider the cumulative and regional impacts of permitting such development.

8 The proposed nursery school must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

9 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of August 1, 2014.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Anthony R. Celentano P.L.S.

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Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration
Nachman Baumgarten

**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.

