

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 10, 2017

Spring Valley Planning Board
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 50.53-2-11

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 11/29/2016

Date Review Received: 12/9/2016

Item: **CONGREGATION MISHMERES SHULEM (SV-846)**

Site plan for a Rabbi's residence and a local house of worship on .2336 acres in an R-1A zoning district. Numerous variances are required for this proposal on an undersized, non-conforming parcel. South side of Merrick Drive, 85 feet west of Union Road

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***

The Rabbi's residence and local house of worship is currently under construction. A residence with a home occupation was initially proposed. A General Municipal Law review by this department was not required for the original action. However, the Spring Valley Building Department subsequently determined that a larger structure was being built than was intended for the home occupation use. As a result, the application has been referred to this department. It must be noted that it is difficult to make recommendations to improve a site plan proposal when it is already being constructed. This parcel is almost 60 percent deficient in meeting the lot area requirement. The oversized structure requires a variance of 104 percent for floor area ratio. Several yard and setback variances are also required. The onsite parking is deficient by almost 43 percent. We view the proposed use as an overutilization of the site and recommend that the structure be reduced in size to more closely conform to the R-1A bulk standards.

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1 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, only 40 percent of the minimum lot area is achieved and the maximum floor area ratio is exceeded by 104 percent. The ability of the existing infrastructure to accommodate oversized facilities on non-conforming 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. We recommend that the building footprint be scaled back to reduce the number and the magnitude of the variances required.

2 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is along Union Road, 85 feet east of the parcel, and approximately 315 feet south 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.

3 The applicant must comply with the conditions of the Rockland County Sewer District # 1's letter of December 14, 2016.

4 The applicant must comply with the conditions of the Rockland County Health Department's letter of December 15, 2016.

5 The NYS Department of State has determined that the Village is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Village's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the proposed residential building and local house of worship must be held to the requisite minimum standards and comply with all requirements of this code.

6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Spring Valley Fire Inspector, or the Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

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- 7 Floor area information is provided below the bulk table and parking calculation. Based on the building footprint, the total floor area seems understated. By our calculations, the building is approximately 7,500 SF. The floor area must be clarified as it affects the floor area ratio and parking calculations. We believe these variances are greater than indicated.
- 8 The parking calculation includes a worship area of 1,060 SF with a six-space onsite parking requirement. Additional floor area details indicate that the shule area is 1,573 SF. By our calculations, eight spaces are therefore required for the local house of worship. Clarification must be provided.
- 9 It will difficult for vehicles parked in spaces 1 and 4 to maneuver out of the spaces without a turnaround area. The proximity of the entry staircase is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A congregant and/or resident descending the stairs will walk directly behind parked vehicles. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the stairs should be re-oriented so that they do not descend directly into the parking area, behind a parked vehicle.
- 10 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in space 4. The dumpster enclosure must be moved to a more accessible location.
- 11 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.
- 12 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 13 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guideines for Urban Erosion and Sediment Control.
- 14 The site plan shall contain additional map notes that list all appropriate information, including the district details.
- 15 Map Note 6 must be revised to reference Section 239L & M of the General Municipal Law as this is a site plan application not a subdivision.
- 16 The definition for "required yard" is an "open and unobstructed ground area of the lot, extending inward from a lot line the distance specified in the requirements for the district in which the lot is located." In addition, the Zoning Ordinance indicates that "a driveway beyond a required front yard for a one-family or two-family residence may count as one parking space. Where feasible, all driveways serving nonresidential uses shall include an adequate turnaround area to eliminate the need for backing onto a public road."

It is noted that a front yard variance is required since only 24.8 feet are provided from the property line to the building, and 35 feet is required. It must be clarified if parking is permitted within the required front yard as parking does not meet the definition of having an open and unobstructed ground area of the lot. If parking is not permitted within the front yard, then the front yard variance is significantly understated, and the bulk table must be updated.

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17 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
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.L.S.
Town of Ramapo

Rabbi Moshe Michalowitz

**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.