

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 7, 2017

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

Tax Data: 57.45-1-32 57.45-1-31

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

Map Date: 7/7/2015

Date Review Received: 2/1/2017

Item: SATMER SHUL (SV-847B)

Variances for lot area, front yard, side yard, floor area ratio and parking to allow the construction, maintenance and use of a local house of worship on .3723 acres in an R-1 zoning district and the Floodplain Overlay District. A three-story, 15,000 SF shul is proposed.

North side of Tenure Avenue, west side of South Cole Avenue and south side of Central Avenue

Reason for Referral:

Town of Ramapo, NYS Route 59

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. Development within the Floodplain Overlay District must conform to the requirements of Section 255-28.J.(1) through (8), as well as the applicable bulk standards. The proposed building must be scaled back so that all standards are met.
- 2 The Floodplain Administrator for the Village of Spring Valley shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 3 A review must be completed by the New York State Department of Transportation and any required permits obtained.

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4 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is 100 feet north 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.

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 applicant is seeking more than a 206 percent increase over the maximum floor area ratio, as well as lot area and yard variances. Only 18 percent of the required on-site parking is provided. The ability of the existing infrastructure to accommodate oversized facilities on non-conforming, environmentally constrained sites 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. The building footprint must be reduced, and the third story eliminated, so that the shul more closely conforms to the R-1 bulk standards.

6 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 shul building must be held to the requisite minimum standards and comply with all requirements of this code.

7 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 District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

8 The applicant must comply with the conditions of the Rockland County Health Department's letter of February 7, 2017.

9 The applicant must comply with the conditions of the Rockland County Sewer District # 1's letters of February 22, 2017 and February 28, 2017.

10 The applicant is seeking a 82 percent reduction in the on-site parking requirement. While many of the congregants will use the pedestrian walkway to access the site, it is likely that 14 spaces will be insufficient. An off-site parking arrangement must be pursued with nearby property owners.

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11 The parking calculation references office space rather than a house of worship. Although the on-site requirement is the same, the correct use must be noted. In addition, 15,600 SF is specified in the calculation rather than 15,000 SF. The total building square footage must be clarified.

12 It will not be possible for sanitation workers to access the refuse container if vehicles are parked in the two southwestern spaces. The dumpster enclosure must be moved to a more accessible location.

13 It is unclear whether the two lots will be merged. Since the proposed building straddles the property line, we recommend that the parcels be combined so that additional variances are not required.

14 General Note 1 references the wrong tax lot information for the two subject parcels. The correct information must be provided.

15 General Note 2 specifies that the area of the tract is 19,287 SF; the lot area calculation on the Layout Plan indicates a gross lot area of 19,278 SF. The project also references a gross lot area of 19,278 SF. All application materials must be consistent. The gross lot area must be clarified.

16 General Note 6 lists the wrong fire district. The parcels are located within the Spring Valley Fire District. The correct fire district must be noted on the map.

17 General Notes 8 and 9 specify United Water as the water district and water supplier rather than SUEZ. This must be corrected.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
Federal Emergency Management Agency
New York State Department of State
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of Transportation
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District

Leonard Jackson Associates
Town of Ramapo
Satmer Shul
Construction Expediting
Berni Jacobowitz

**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.

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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.