

1-3 TENURE AVENUE - SATMER SHUL (SV-847C)

2 Permitting development that does not comply with the applicable bulk standards can result in the overutilization of individual sites. The subject sites do not meet the minimum lot area standard of 25,000 square feet required for a place of worship, being deficient by over 22%. In addition, the northern portion of the properties are within the floodplain, thereby decreasing the lot area even more, and further exacerbating the deficiency. The lot itself is non-conforming for width, as well. The front yards are deficient by over 29% (W. Central Avenue) and 42% (Tenure Avenue), and the rear yard is only 37.5% of the required minimum. The floor area ratio is exceeded by over 166% based on the FAR provided but does not incorporate the reduced lot area. In addition, parking is deficient by over 41%. The ability of the existing infrastructure to accommodate an oversized structure 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. We recommend that the required variances be denied, the number of stories be reduced, and that the proposed building be scaled back so that it better conforms to the bulk requirements, particularly with regard to the floor area ratio and parking standards.

3 Because the properties are located within the Floodplain Hazard Overlay Zone, a special permit is required. 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, and that the project complies with the special permit and bulk requirements for the use.

The following additional comments address other concerns regarding the proposed use.

4 Since the site is located partially within the Flood Hazard Zone area, a gross and net lot area calculation must be provided, as required under Section 255.18.A of the Village of Spring Valley Zoning Ordinance. This reduced lot size will also impact the floor area ratio calculation, which must be amended to reflect the reduced lot area. The public hearing notice will have to be amended and re-issued to reflect the greater non-conformity due to the floodplain deductions.

5 The 100-year floodplain must be illustrated on the plans. All development must be kept out of the floodplain.

6 The engineer of record shall certify to the floodplain administrator for the Village of Spring Valley that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

7 According to the bulk table, the applicant is seeking a 42 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. This parking arrangement should be put in writing, and maintained by the Village to ensure that adequate parking is always provided.

8 The parking calculation is based on a worship area of 4,800 square feet. The total square footage provided under the bulk table is listed as 15,600 sq. ft. The minimum off-street parking requirement, as listed in Section A-1D.(2), states that at least one parking space for each 200 square feet of floor area must be provided; not differentiating between the worship area or the total square feet. As indicated above, the previous application, which consisted of the same total square footage, indicated that 78 parking spaces were required, not 24. The total required number of parking spaces must be clarified, and a parking calculation provided. If the degree of the parking variance needed is understated, then the public hearing notice must be re-issued and reposted.

9 It will not be possible for sanitation workers to access the refuse container if vehicles are parked in the southwestern space. As shown, the dumpster enclosure access traverses over the property boundary. The dumpster enclosure must be moved to a more accessible location, and must not encroach over the property line.

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10 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.

11 A review must be completed by the New York State Department of Transportation and any required permits obtained.

12 An updated review must be completed by the County of Rockland Sewer District #1, and all required permits obtained. In addition, the comments in the May 2, 2017 letter must be addressed.

13 An updated review must be completed by the Rockland County Department of Health, and all required permits obtained.

14 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.

15 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.

16 General Note 6 lists the wrong section of the State General Municipal Law. The Map Note must be corrected to state 239 l & m, not n.

17 General Note 4 specifies that the total area of the tract is 19,287 SF. Since a portion of the site is located within the floodplain, deductions must be taken for this area. A gross and net lot area calculation must be provided.

18 The bulk table lists the lot width on South Cole Avenue to be 94.3 feet. The measurement provided on South Cole Avenue is 81 feet. The bulk table must be corrected as well as the public hearing notice. The public hearing notice will have to be re-issued to reflect the correct measurement.

19 The bulk table provides a lot width measurement and front yard distance for NYS Route 59. However, the site is not adjacent to the State highway. West Central Avenue is the correct street in which these measurements relate to. The bulk table must be amended with the correct street name. The public hearing notice will have to be re-issued to reflect the appropriate street name.

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20 Since the site is located within the floodplain, a grading and drainage plan must be provided. In addition, a soil and erosion control plan must be provided since the site is being developed in almost its entirety. Lastly, a landscaping and lighting plan must be provided.

21 The parcel on the vicinity map must be located in the central portion of the map so as to better illustrate the location of the site in proximity to other areas.

22 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.

23 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.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Anthony R. Celentano P.L.S.
Town of Ramapo

Rockland County Planning Board Members

**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.