

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 6, 2018

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

Tax Data: 50.77-2-8

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

Map Date: 6/10/2013

Date Review Received: 6/27/2018

Item: **40-42 PAIKEN DRIVE (CONGREGATION OHEL MOSHE) (SV-914)**

Floor area ratio to permit the conversion of attic space into living space for an existing shul and rabbi's residence, which is located on .245 acres in the R-2 zoning district. This additional living space, needed for a family member, will not increase the footprint of the building or modify any external features of the property.

Northeast end of Paiken Drive, approximately 150 feet north of Marman Place

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:

****Disapprove***

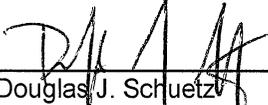
1 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. Multiple variances, many of great significance, were approved without referral to this Department for review, resulting in an oversized structure on an undersized parcel. The lot area variance granted allowed development on a parcel that was deficient by 45%; met the front yard requirement by 43%, the side yard by 50%, and the rear yard by 32.5%. The total side yard was deficient by 49%. The parking permitted for this use is deficient by over 73%. The previous variance for floor area ratio exceeded the maximum standard by over 243%; this is now being increased to be greater than 276% over the allowable maximum.

The ability of the existing infrastructure to accommodate an oversized building on an 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.

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

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- 2 The bulk table and other application materials indicate that variances were previously granted for lot area, front yard, side yard, rear yard, total side yard, floor area ratio, and parking, and that a certificate of occupancy was issued October 16, 2017. However, this department has not received a request to review these variances, as is required under General Municipal Law. The village must confirm that all previous approvals for this project have been processed in compliance with the requirements of General Municipal Law.
- 3 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is directly north and east of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Town of Ramapo must be given the opportunity to review the proposed variance and provide any concerns related to the project to the Village of Spring Valley.
- 4 The site plan shall contain map notes, including district information.
- 5 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.
- 6 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
Rockland County Department of Health
Rockland County Sewer District #1

Anthony R. Celentano P.E.
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.