Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 26, 2018

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

Tax Data: 57.29-1-22

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/17/2016 **Date Review Received:** 5/24/2018

Item: ***CONGREGATION OHR HACHAM OSHVAR - 52 NORTH COLE AVENUE (SV-822A)***

A site plan application to construct a place of worship with three parking spaces on 0.13 acres in the R-2 zoning district. Variances are required for lot area, lot width, side yard, total side yard, rear yard, floor area ratio, and street frontage.

The eastern side of North Cole Avenue, opposite Stephens 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 A place of worship is permitted by right within the R-2 zoning district. However, this use is subject to stricter bulk requirements than what is required for one or two-family residences. This site is particularly deficient in meeting these more stringent standards. With only 5,750 square feet, the subject site does not meet the minimum lot area standard of 8,500 square feet for a single-family residence, and provides only 23% of the required lot area for a place of worship. As a result of the inadequate size of the lot, additional, substantial bulk variances are required. This suggests a general overdevelopment of an undersized site. This property must be developed in a manner that is more appropriate to its size.

2 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 proposed lot area is deficient by 77%. The lot width, side yard, and total side yards are only one-half the required minimum. The rear yard is deficient by 75% and the proposed FAR is 130% greater than allowed. The ability of the existing infrastructure to accommodate increased levels of density and activity 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.

3 No parking calculation is provided for the proposal and only three parking spaces are displayed on the site plan. Using the lot area of 5,750 square feet and the proposed FAR of 0.69, the proposed floor area can be estimated at 3,968 square feet. The parking requirement for places of worship is one space per 200 square feet of floor area, or at least one space per four seats. The estimated floor area of 3,968 square feet would require 20 parking spaces. Not only is the application incomplete in that no parking calculation is provided, but it is likely that the proposed three parking spaces will be significantly deficient in meeting the village's requirements. The applicant must provide a parking calculation on the site plan and must demonstrate how the parking needs for the proposal will be met. If any offsite parking is to be used, details must be provided regarding location, design, ownership, and use agreements.

The following comments address our additional concerns about this proposal.

4 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 175 feet west of the parcel. 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 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of May 31, 2018.

6 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of September 22, 2017.

7 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 Guidelines for Urban Erosion and Sediment Control.

8 There shall be no net increase in the peak rate of discharge from the site at all design points.

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9 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. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

10 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

11 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

12 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

13 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

14 The bulk table does not include information regarding parking spaces and required street frontage. The bulk table must include this information and indicate whether variances are required.

15 The site plan shall include district information in the map notes and provide a vicinity map with a north arrow and scale. Map note 6 must be corrected to refer to Section 239l and m, not 239n.

16 The application form indicates the property receives water service from United Water. The form must be corrected to Suez. The project description refers to an attached narrative, but no narrative is provided. A narrative of the project must be included.

17 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

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

19 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.

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20 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
New York State Department of State

Civil Tec
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.