

## 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*

January 11, 2019

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

**Tax Data:** 57.54-1-44

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

**Map Date:** 1/5/2017

**Date Review Received:** 11/8/2018

**Item:** *OHR TORAH - 30 WEST FUNSTON AVENUE (SV-835D)*

A variance application to allow the construction of a local house of worship with a Rabbi's residence on a corner lot with 0.17 acres in the R-2 zoning district. Variances are requested for lot area, lot width (Funston Avenue), front yards (both Funston and Ridge Avenues), side yard, total side yard, and floor area ratio. A reduction by the Planning Board of required parking spaces, from 11 to 9, is also requested. This is a re-approval of the application, as the initial review was not submitted to the Rockland County Department of Planning, as required under New York State General Municipal Law, Section 239L.

The southeastern corner of Ridge Avenue and West Funston Avenue.

### 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. The lot area is only 30% of the required minimum for a place of worship. The lot width along Funston Avenue is 40% of the minimum. Both front yards are deficient by 57% and the side yard is deficient by 50%. The FAR is 50% greater than the allow maximum. The ability of the existing infrastructure to accommodate increased residential density 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. The application must be denied and the property developed in a manner that is consistent with the Village's regulations.

The following comments address our additional concerns about this proposal.

**OHR TORAH - 30 WEST FUNSTON AVENUE (SV-835D)**

2 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 410 feet southwest 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.

3 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of December 11, 2018.

4 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of December 5, 2018.

5 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.

6 The architectural plans provided by Hy Garfinkel, dated June 15, 2015, indicate a covered portico at the main entrance. This feature is not included in the site plan. The site plan indicates a protrusion on the eastern façade that is not shown on the architectural plans. Lastly, sheets 2 and 3 of the site plan do not reflect the most recent revision to the site plan. Sheets 2 and 3 indicate a deck along the Funston Avenue façade and a staircase and stoop along the Ridge Avenue façade. Neither feature is shown on sheet 1 of the site plan or the architectural plans. All materials must be consistent. The applicant must clarify their intentions regarding these features. If any additional variances are required, a new application must be made and submitted to this department for review.

7 The lot widths for the Funston Avenue and Ridge Avenue frontages in the bulk table are switched. The bulk table must be corrected.

8 The bulk table and page 10 of the application review form indicate that a variance of the total side yard is required. The property is a corner lot and the total side yard requirement is not applicable. In addition, the application review form indicates that a floor area ratio of 0.78 is requested. The calculations provided on the site plan indicate that the proposed structure will have a FAR of 0.45. The bulk table and application review form must be corrected.

9 The map notes must contain district information. In addition, sheet 2 of the site plan has a revision date of August 26, 2019 and must be corrected.

10 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.

**OHR TORAH - 30 WEST FUNSTON AVENUE (SV-835D)**

11 Section 255.22.C of the village zoning regulations exempts open porches and decks from yard and coverage requirements. The village must confirm that the proposed deck complies with this section and do not include any enclosed spaces.

12 The site plan illustrates that parking spaces 4, 8, and 9 are only eight feet wide. All parking spaces either must meet the width requirement of nine feet, or an additional variance application must be made and submitted to this department for review.

13 A turnaround area must be provided for parking space 9.

14 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 initially raised in the Executive Deputy Secretary of State's letter of July 15, 2016, and subsequently again in December 18, 2017, the proposed building must be held to the requisite minimum standards and comply with all requirements of this code.

15 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.

16 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  
Rockland County Office of Fire and Emergency Services  
Spring Valley Fire District  
New York State Department of State  
  
Anthony R. Celentano P.L.S.  
Town of Ramapo Planning Board

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.*

**OHR TORAH - 30 WEST FUNSTON AVENUE (SV-835D)**

*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.*