COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

ARLENE R. MILLER
Deputy Commissioner

September 10, 2013

Wesley Hills Planning Board
432 Route 306
Wesley Hills, NY 10952

Tax Data: 41.07-1-11

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

Map Date: 8/14/2013 **Date Review Received:** 8/19/2013

Item: ***CONGREGATION KEHILLAS BAIS YEHUDA (Whi-63C)***

Special permit and site plan application for a proposed two-story addition to an existng synagogue on 2.97 acres in an R-50 zoning district.
North side of Lime Kiln Road, 50 feet east of Vanessa Drive

Reason for Referral:

Lime Kiln Road (CR 84), Route 306

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 The Village shall be satisfied that the expanded synagogue use meets the special permit standards outlined in Article 6 of the Zoning Law.

2 The project narrative refers to this synagogue as a "Neighborhood Gathering" use. The Village Zoning Law defines a religious or neighborhood gathering as "the use of a one-family dwelling as a religious use or for social gatherings or recreational purposes on a regular basis for not fewer than sixteen persons and not more than thirty persons, subordinate to its use as a single-family residence." The proposed synagogue does not meet this criteria. It is a religious use subject to the special permit standards listed in Section 6.9.8, as well as the R-50 bulk standards and parking requirements for synagogues, and therefore, variances are required for side yard, total side yard and parking. These discrepancies must be corrected.

3 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.

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

CONGREGATION KEHILLAS BAIS YEHUDA (Whi-63C)

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

6 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.

7 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

8 The applicant must comply with the conditions of the County of Rockland Department of Health's letter of August 22, 2013.

9 A review must be completed by the County of Rockland Sewer District #1 and any required permits obtained.

10 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector and the Tallman Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

11 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

12 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the county road right-of-way.

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

14 The expanded synagogue building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

15 A symbol for new variances required is indicated below the bulk table. However, no new variances are noted within the bulk table. The required variances for the proposed addition must be included in the bulk table.

Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Mayor David Goldsmith, Wesley Hills
Rockland County Department of Highways
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Sparaco & Youngblood, PLLC
New York State Department of State,
Division of Code Enforcement and Administration
Tallman Fire District
Elliot Kahan

CONGREGATION KEHILLAS BAIS YEHUDA (Whi-63C)

**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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September 19, 2013

Wesley Hills Planning Board
432 Route 306
Wesley Hills, NY 10952

Re: Congregation Kehillas Bais Yehuda

Dear Chairwoman Brown:

It has come to our attention that we referenced an outdated version of the Wesley Hills Zoning Law in our September 10, 2013 General Municipal Law (GML) review of the special permit and site plan applications for Congregation Kehillas Bais Yehuda. Since the Village amended its zoning regulations on February 28, 2009, eliminating "Religious Uses" as a special permit use, our GML review must be revised. Comment #2 shall be amended as follows:

2. Aerial photography indicates that there are currently 29 parking spaces on this site. The parking area will be expanded to the east and north. The existing row of spaces will be reconfigured resulting in a total of 28 parking spaces; 31 additional spaces will be provided in another row to the east. The applicant is also proposing another 12 parking spaces to the east of the existing building for a total of 71 parking spaces. While this is more than the minimum of 20 parking spaces required for neighborhood gatherings in Section 7.5, we are concerned as to whether it is sufficient for the expanded synagogue. The proposed addition will result in a building that is almost 2.5 times larger than the existing structure. In seeking relief from some of the conditions imposed in the 1993 ZBA resolution, the synagogue is preparing for its anticipated growth beyond the existing congregation of 140 families, as well as a more comprehensive religious mission. The expanded synagogue building will now include a social hall for religious events and social gatherings. Each of these factors will contribute to the need for more parking.

Inadequate on-site parking will impede the safe and efficient flow of traffic along Lime Kiln Road, a well-traveled county road. Section 6.9.8a.6 gives the Planning Board the authority to require more than 20 spaces if it determines that such additional spaces are necessary for the

neighborhood gathering to be able to operate in a manner that is consistent with public safety and neighborhood character. The Village must be satisfied that the 71 parking spaces proposed are adequate for the expanded synagogue building, the growing congregation and its religious mission.

If you require additional information or clarification, please contact Helen Kenny Burrows at 845-364-3453. Thank you.

Sincerely,

Thomas B. Vanderbeek, P.E.
Commissioner of Planning

C: Mayor David Goldsmith
Rockland County Department of Highways
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District No.1
Rockland County Office of Fire and Emergency Services
New York State Department of State Division of Code Enforcement and Administration
Tallman Fire District
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Elliot Kahan