



**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

September 19, 2013

ARLENE R. MILLER  
Deputy Commissioner

Wesley Hills Zoning Board of Appeals  
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:** 8/30/2013

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

The applicant is seeking relief from three conditions imposed in a 1993 ZBA resolution when the existing synagogue building was originally proposed. The applicant is proposing a two-story, 10,153 SF addition to the synagogue. The 2.97-acre site is located in an R-50 zoning district. Condition #3 required that a parking area of 30 spaces shall only be constructed to the north of the building. Condition #8 prohibited parties or receptions at the premises. Condition #10 limited occupancy to 168 people. The application review form indicates that bulk variances are also required for building height and maximum building coverage. These variances are not included in the bulk table.  
North side of Lime Kiln Road, 50 feet east of Vanessa Drive

**Reason for Referral:**

Lime Kiln Road (CR 84), NYS 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 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 Conditions 3, 8 and 10, the synagogue is preparing for its anticipated growth beyond its 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.

**CONGREGATION KEHILLAS BAIS YEHUDA (Whi-63D)**

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.

- 2 The applicant must comply with the conditions of the County of Rockland Department of Highways' letter of August 26, 2013.
- 3 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 4 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.
- 5 As noted above, the application review form included with this submission indicates that variances are need for building height and maximum building coverage. These variances are not included in the bulk table. All application materials must be consistent. It must be clarified whether any additional bulk variances are required beyond maximum impervious surface which can be granted as a special permit by the Planning Board as per Section 6.9.13.
- 6 The project application forms as well as the narrative specify a 9,753 SF addition. A 10,153 SF addition is shown on the site plan. This is also the figure used in the bulk calculations. All application materials must be consistent.
- 7 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 ability of the existing infrastructure to accommodate facilities of this size 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.



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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  
Sparaco & Youngblood, PLLC  
New York State Department of State,  
Division of Code Enforcement and Administration  
Elliot Kahan

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

**CONGREGATION KEHILLAS BAIS YEHUDA (Whi-63D)**

*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.*

