



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

October 22, 2014

ARLENE R. MILLER
Deputy Commissioner

Wesley Hills Zoning Board of Appeals
432 Route 306
Wesley Hills, NY 10952

Tax Data: 41.15-1-38

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

Map Date: 9/16/2014

Date Review Received: 9/24/2014

Item: **CONGREGATION KHAL ZICHRON MICHOEL (Whi-133A)**

Variances for side yard, maximum impervious surface ratio, maximum front yard impervious surface ratio, sign size and off-site parking outside the Village to allow the construction, maintenance and use of a 10,684 SF synagogue building on .874 acres in the R-35 zoning district.
North side of Grandview Avenue, opposite Melaney Drive

Reason for Referral:

Grandview Avenue (CR 80), 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:

****Recommend the following modifications***

- 1 The applicant must comply with the conditions of the Rockland County Highway Department's letter of October 17, 2014.
- 2 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of September 4, 2014.
- 3 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

CONGREGATION KHAL ZICHRON MICHOEL (Whi-133A)

4 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Grandview Avenue, directly adjacent to the site along the front yard. 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 Except for the side yard variance, generally the proposed synagogue building complies with the R-35 bulk standards for the yards and setbacks. However, the applicant is proposing a development that will be 112% over the maximum permitted impervious surface ratio, and 235% greater than permitted maximum front yard impervious surface ratio, a slight increase over the previous submission. The applicant shall reduce the impervious surfaces on site to more closely conform to the R-35 bulk standard. This can be accomplished by installing pervious pavers or other porous materials for the parking area and sidewalks. This reduction in the impervious surface ratio, will help to ensure that the existing infrastructure, such as the sewer and stormwater management systems will not be overburdened.

6 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 Town must consider the cumulative and regional impacts of permitting such development.

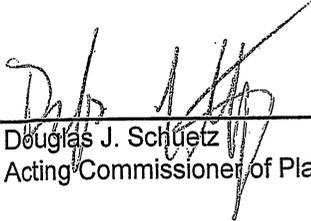
7 The proposed synagogue building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

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

9 The September 12, 2014 project narrative references an off-site parking agreement with the Yeshiva of Spring Valley. The agreement was not included in the application materials submitted to this department. A copy of the agreement must be forwarded for our review and file.

10 The Village's sign standards are reasonable. The applicant shall reduce the size of the sign to more closely conform to these standards.

CONGREGATION KHAL ZICHRON MICHOEL (Whi-133A)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Sparaco & Youngblood, PLLC
Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration
Monsey Fire District
Chaim Ishakis

**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.

