



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

March 19, 2014

ARLENE R. MILLER
Deputy Commissioner

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: 1/23/2014

Date Review Received: 2/19/2014

Item: *KEHILLAS BAIS YEHUDA (WHI-63E)*

Special permit and revised site plan application for a two-story, 11,641 SF addition to an existing synagogue on 2.97 acres in an R-50 zoning district. The applicant is also seeking Planning Board approval of an increase in maximum impervious surface ratio.

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 An updated review of the January 23, 2014 site plan must be completed by the County of Rockland Department of Highways and all required permits obtained. The applicant must comply with the conditions of the two Highway Department letters dated September 30, 2013.
- 2 An updated review of the January 23, 2014 site plan must be completed by the New York State Department of Transportation.
- 3 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 4 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.
- 5 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.

KEHILLAS BAIS YEHUDA (WHI-63E)

- 6 The applicant must comply with the conditions of the County of Rockland Department of Health's letter of March 12, 2014.
- 7 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 8 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.
- 9 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.
- 10 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the county road.
- 11 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 12 The expanded synagogue building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 13 A variance is now required for side yard since the proposed addition is within 18.8 feet of the property line. A symbol for new variances required is indicated below the bulk table. However, this symbol is not used to note that a side yard variance is required. This must be corrected.



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
Jay A. Greenwell, PLS, LLC
New York State Department of State,
Division of Code Enforcement and Administration
Tallman Fire District
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.*

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.