



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

December 29, 2014

ARLENE R. MILLER
Deputy Commissioner

Wesley Hills Planning Board
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: 11/12/2014

Date Review Received: 12/1/2014

Item: *KHAL ZICHRON MICHOEL (Whi-133B)*

Site plan for a 10,684 SF synagogue on .874 acres in an R-35 zoning district. Variances have been granted for side yard, maximum impervious surface ratio, maximum front yard impervious surface ratio and sign size. The Planning Board must also consider whether to allow off-site parking outside of the Village limits.

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 An updated review 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 Highway Department's letters of August 25, 2014 and October 17, 2014.
- 2 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of December 15, 2014.
- 3 The applicant must comply with the conditions of the Rockland County Health Department's letter of December 2, 2014.

KHAL ZICHRON MICHOEL (Whi-133B)

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 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.

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

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

8 The November 25, 2014 project narrative references parking agreements with the Yeshiva of Spring Valley and the East Ramapo Central School District. These agreements were not included in the application materials submitted to this department. A copy of the agreements must be forwarded for our review and file.

9 Since the Yeshiva of Spring Valley is not located within the Village limits, the Planning Board must approve the proposed off-site parking arrangement. It is our understanding that the Town of Ramapo will also be reviewing the parking agreement between Khal Zichron Michoel and Yeshiva of Spring Valley. Every effort must be made to ensure that events are never scheduled simultaneously. This is especially critical if the Yeshiva of Spring Valley also does not meet the Town of Ramapo's on-site parking standards.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
Rockland County Department of Highways
Sparaco & Youngblood, PLLC
Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration
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KHAL ZICHRON MICHOEL (Whi-133B)

**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.

