



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
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May 11, 2015

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

Tax Data: 41.06-1-21

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

Map Date: 3/30/2015

Date Review Received: 4/13/2015

Item: *TIFERES YISRAEL (Whi-116C)*

Variations for impervious surface, front yard impervious surface and construction in the wetlands buffer to permit the construction, maintenance and use of a mikvah as an accessory use to an existing synagogue on 1.4693 acres in the R-50 zoning district. A variance from Section 4.415.5 is required because the proposed mikvah is greater than 900 SF.
Northeast corner of Lime Kiln Road and Roble Road

Reason for Referral:

Lime Kiln Road (CR 84)

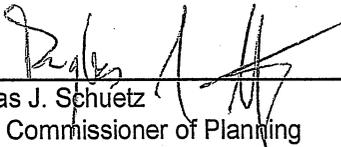
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 The applicant must comply with the condition of the Rockland County Health Department's letter of April 14, 2015.
- 3 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 non-conforming facilities 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.

TIFERES YISRAEL (Whi-116C)

- 4 The bulk table indicates the proposed impervious surface is .33; a note under the bulk table specifies that a special permit is required for an increase to .40. All application materials must be consistent. The proposed impervious surface must be clarified.
- 5 The proposed synagogue and mikvah buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 6 Section 230-31 A. of the Village's Zoning Code, states that the parking requirements for Neighborhood Gatherings, other than minor neighborhood gatherings, is 15 spaces (if the special permit use is located in a building also used as a single-family residence); or 20 spaces (if not so located). This information must be provided in the bulk table, as well as the total number of on-site parking spaces proposed.
- 7 While the minimum on-site parking requirement is achieved, Drawing Numbers 1 and 2 show differing amounts of parking spaces. Drawing Number 1 indicates that seven new parking spaces are proposed in the northeast corner of the parking area. Drawing Number 2 shows six parking spaces in this area including two handicapped spaces with an access aisle between them. The total number of parking spaces in this area must be clarified. All application materials must be consistent.
- 8 Map Note # 15 shall be corrected to refer to Section 239L & M of the New York State General Municipal Law.



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
Gdanski Consultants, Inc.
New York State Department of State,
Division of Code Enforcement and Administration
Sol Rosenberg, Administrator

**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.