Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 17, 2019

Wesley Hills Planning Board
432 Route 306
Wesley Hills, NY 10952

Tax Data: 41.18-1-12

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/4/2019 **Date Review Received:** 3/13/2019

Item: ***CONGREGATION AHAVAS YITZCHAK - 73 FORSHAY ROAD (Whi-44E)***

A site plan application to expand the parking lot and add a temporary modular structure to an existing house of worship on 1.23 acres in the R-35 zoning district. Variances are required for side yard, rear yard, and maximum impervious surface ratio.
The western side of Forshay Road, opposite Parker Boulevard.

Reason for Referral:

Forshay Road (CR 81), 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 Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is adjacent to the eastern property line of the parcel. 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.

CONGREGATION AHAVAS YITZCHAK - 73 FORSHAY ROAD (Whi-44E)

2 A review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.

3 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of March 14, 2019.

4 As per the April 8, 2019 letter from the Rockland County Department of Health, an application is to be made to them for compliance with the County Mosquito Code.

5 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Wesley Hills Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

6 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.

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

8 The Village must establish a time limit for use of the modular structure of no more than two years. This temporary use may be renewed by the Planning Board prior to its expiration.

9 The proposed modular structure is located along the site property line and will have a side yard of zero feet. The site plan must be amended to provide an acceptable minimum side yard.

10 The modular structure is proposed to be located on an existing walkway that extends from the rear of the property to Judith Lane. Blocking this accessway can result in potential hazards for pedestrians. Either the structure must be relocated, the walkway must be reoriented to allow safe access, or the walkway must be abandoned in its entirety. In addition, the modular structure must be relocated to not encroach upon the sanitary sewer easement.

11 The narrative provided indicates that the modular structure is intended to be used as an overflow from the main building for small study groups. For the duration of the modular structure's use, the parking lot must be supplemented by crosswalks and appropriate signage to allow safe pedestrian access from the main structure through the parking lot.

12 The bulk table indicates that the front yard impervious surface ratio will decrease from 0.38 to 0.33. It is not immediately evident from the site plan how and where this reduction is taking place, since the proposed driveway appears to increase slightly within the front yard. The applicant must clarify this reduction in impervious surface in the front yard and the calculations provided.

13 A parking calculation for all uses, including those within the modular structure, must be provided.

14 The proposed parking area provides a one-way flow of traffic. In order to provide better traffic circulation, the parking area must provide two-way traffic flow.

15 Turnaround areas must be provided for the southernmost parking space along the western end of the parking area, and for the westernmost parking space along the northern end of the parking area.

16 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

17 The landscaping plan must be amended to include a berm or low evergreen shrubs along the parking lot to shield the headlights of parked vehicles from shining into neighboring properties.

18 The map notes shall contain district information.

CONGREGATION AHAVAS YITZCHAK - 73 FORSHAY ROAD (Whi-44E)

19 The application form indicates the property is within the Tallman Fire District. The form must be corrected to the Monsey Fire District.

20 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

21 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

22 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

23 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Department of Highways
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Civil Tec
Town of Ramapo Planning Board

**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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.