

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

February 21, 2019

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

Tax Data: 41.06-1-26

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

Map Date: 1/10/2019

Date Review Received: 1/22/2019

Item: **CONGREGATION ANSHEI CHESED - 62 LIME KILN ROAD (Whi-152A)**

A variance application to allow the construction of an 18,849 square foot Neighborhood Gathering and Rabbi's residence on 1.21 acres in the R-50 zoning district. Variances are requested for total side yard, rear yard, maximum building coverage, maximum impervious surface ratio, maximum front yard impervious surface ratio, to allow off street parking, to allow off street parking beyond 100 yards, and to allow two principal structures.

The southern side of Lime Kiln Road (CR 84), approximately 190 feet east of Wilder Road (CR 81).

Reason for Referral:

Lime Kiln Road (CR 84), Wilder Road (CR-81)

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 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 proposed total side yard and rear yard are deficient by 11% and 64%, respectively. The maximum building coverage exceeds the maximum standard by 33%. The maximum impervious surface ratio and front yard impervious surface ratio exceed the maximum standards by 136% and 240%, respectively. The ability of the existing infrastructure to accommodate increased density and additional impervious surfaces in residential areas 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.

CONGREGATION ANSHEI CHESED - 62 LIME KILN ROAD (Whi-152A)

2 The two most substantial variances requested are for maximum impervious surface ratio and maximum front yard impervious surface ratio. The high ratios of impervious surfaces are due, in part, to the size and location of the main parking area, as well as a series of concrete ramps, walks, and patios. These features will result in increased runoff of stormwater and diminished recharging of groundwater. The incorporation of pervious materials, instead of traditional concrete or asphalt, can mitigate these potential impacts. To help reduce the extent of the impervious surface ratio variances required for the site, pervious pavers and/or other porous materials must be used wherever possible.

3 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of January 8, 2019.

4 The applicant must comply with all comments made by the Rockland County Office of Fire and Emergency Services in their letter of December 31, 2018.

5 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of February 8, 2019.

6 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of February 14, 2019.

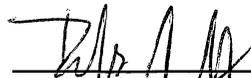
7 Additional landscaping must be provided along the rear property line in order to reduce the visual impact of the large Rabbi's residence, especially since the structure requires a substantial variance of the rear yard requirement.

8 The square footage given for the Rabbi's residence is not consistent. Page 1 of the narrative states the residence will be 7, 631 square feet, presumably including the basement. Page 2 of the narrative and the site plan state that the residence will be 5,748 square feet. Page 2 of the narrative also includes inconsistent square footages for each floor of the residence. The first and second floors are, respectively, indicated to have 2,516 and 2,515 square feet in one instance, and 2,941 and 2,807 square feet in another. All materials must be consistent, and square footages must include all finished areas of the structure.

9 Despite the discrepancy over the square footage of the Rabbi's residence, the proposed structure is substantially larger than most single-family dwellings. Given the size of the requested rear yard variance, as well as the impervious surface ratio variance for the entire site, the Rabbi's residence must be reduced in size.

10 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.

11 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

CONGREGATION ANSHEI CHESED - 62 LIME KILN ROAD (Whi-152A)

Rockland County Department of Highways
Rockland County Office of Fire and Emergency Services
Sparaco & Youngblood, PLLC

**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.

