



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz

Acting Commissioner

Arlene R. Miller

Deputy Commissioner

February 26, 2020

Wesley Hills Planning Board

432 Route 306

Wesley Hills, NY 10952

Tax Data: 41.14-1-66

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

Map Date: 11/12/2019

Date Review Received: 2/6/2020

Item: *CONGREGATION KHAL CHASIDIM - 15 MARTHA ROAD (Whi-160)*

A special permit application to construct a Neighborhood Gathering on 0.83 acres in the R-50 zoning district. Thirteen of the twenty required parking spaces are to be provided on site, with seven spaces provided along Martha Road. The applicant is requesting that the Planning Board grant an increase in the maximum impervious surface ratio, as per section 230.26.L of the village zoning regulations.

The western side of Martha Road, approximately 240 feet south of Grandview Avenue

Reason for Referral:

Grandview Avenue (CR 80), Town of Ramapo, Village of Montebello

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 proposed Neighborhood Gathering requires 20 parking spaces; 13 spaces are provided on site. The site plan indicates that seven spaces are available along Martha Road, and the narrative states that 17 additional off-site spaces are available at nearby members' homes. Section 230.26.G(1)(g) of the village's zoning regulations allows the Planning Board to give relief from the parking requirement, but only if certain criteria are met. Specifically, off-site parking cannot be provided on a street with a pavement width of less than 30 feet. The site plan indicates that the paved width of Martha Road is 28.2 feet. Additionally, parking is allowed on other lots if they are within 100 yards of the site. The vicinity map highlights certain neighboring structures within 500' and 750' of the site. However, there is no information provided on the site plan to indicate which lots are within the required 100 yards (300 feet), how many parking spaces are available, or which owners are willing to permit parking for the use.

In its consideration of granting relief from the on-site parking requirements, the Planning Board must ensure that the use of on-street parking spaces complies with all requirements of Section 230.26.G(1)(g). In addition, the use of off-site spaces must occur on lots within 100 yards of the site. The applicant must also demonstrate that each of these lots are able to provide additional parking beyond the two spaces required for a single-family dwelling. If the applicant is not able to demonstrate that all the criteria for off-site parking have been met, the site plan must be amended to provide the required 20 parking spaces on-site, or a variance for number of parking spaces must

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be obtained from the Board of Appeals. Any required variance must be sent to this department for review.

2 The Town of Ramapo and the Village of Montebello are two of the reasons this proposal was referred to this department for review. The Montebello boundary is adjacent to the western property line of the parcel. The Town of Ramapo boundary is within the Grandview Avenue right-of-way, approximately 245 feet north 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 and the Village of Montebello 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 these municipalities must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

3 An updated review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code. In addition, the applicant must comply with all comments made by them in their letter of September 4, 2019.

4 An updated review must be completed by the Rockland County Sewer District No. 1. In addition, the applicant must comply with all comments made by them in their letter of September 10, 2019.

5 The Village must consider all comments made by the Rockland County Highway Department in their letter of February 14, 2020. The Village must ensure that all parking demand can be met by the applicant without creating any spillover of traffic onto the County road. Under no circumstances can congregant vehicles be parked within the County right-of-way or impact the flow of traffic at the intersection of Martha Road and Grandview Avenue.

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 Standards for Urban Erosion and Sediment Control.

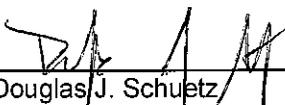
7 There shall be no net increase in the peak rate of discharge from the site at all design points.

8 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

9 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

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- 10 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 11 All signs shall be shown on the site plan and comply with the Village's sign ordinance.
- 12 The site plan shall be amended to include additional landscaping to provide a buffer between the residential properties to the north and west of the parcel and the proposed parking area and dumpster location. The landscaping must incorporate low evergreen shrubs or a berm to shield neighboring properties from vehicle headlights and noise
- 13 The lighting plan shall be amended to demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 14 The vicinity map shall include a north arrow. In addition, Map Note 3 on the site plan and the footnote on the bottom of page 1 of the narrative indicate that the parcel is located within the R-35 zoning district, not R-50. The map note and footnote shall be corrected. The public hearing notice shall be reviewed and, if it contains inaccurate information, re-issued.
- 15 The Village shall be satisfied that the proposed Neighborhood Gathering complies with the General Standards for special permits found in section 230-22 of the Village's zoning regulations, the Individual Standards and Requirements of Section 230-26.G, as well as conditions to permit an increase of maximum impervious surface ratio as per Section 230-26.L.
- 16 To help reduce the impervious surface ratio of the site, pervious pavers and/or other porous materials must be used wherever possible.
- 17 The bulk table must be amended to indicate that the lot area of the parcel is an existing non-conforming condition.
- 18 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.
- 19 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 Department of Highways
Rockland County Sewer District #1

Sparaco & Youngblood, PLLC
Town of Ramapo Planning Board
Village of Montebello Planning Board

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**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.