Village of Spring Valley
Zoning Board Agenda
May 12th, 2021

Zoning Board Members
- Moshe Hopstein, Chairman
- Ghulam Fani, Vice Chairman
- Eli Solomon
- Martha Patrick
- Simon Deutsch

A. Call to Order.

69 N. Cole Ave
The subject property is located on the west side of N. Cole Ave, approx. 350 ft south of Stephens Place in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 57.29 block 1 lot 8. The applicant is seeking variances for a proposed Two-Family Dwelling. The requested variances are as follows: Lot Area: 10,000 sf required, 6,480 sf provided; Lot Width: 100 ft required, 50 ft provided; Street Frontage: 70 ft required, 50 ft provided; Front Yard: 25 ft required, 22 ft provided; Side Yard: 15 ft required, 10 ft provided; Total Side Yard: 30 ft required, 20 ft provided; FAR: Max allowed 65%, 67% proposed.
Applicant: Mendel Muller

4 Blueberry Hill Rd
The subject property is located on the north side of Blueberry Hill Rd, 192 ft west of Dr. Frank in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 49.60 block 1 lot 12. The applicant is seeking variances for a proposed addition. The requested variances are as follows: Side Yard: 20 ft required, 10 ft provided; Total Side Yard: 40 ft required, 24.6 ft provided; FAR: Max allowed 30%, 56% proposed.
Applicant: Naftali Wagschal
April 21, 2021

Spring Valley Zoning Board of Appeals
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 57-05-2-51

57-29-1-8

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/11/2021

Date Review Received: 4/9/2021

Item: 69 NORTH COLE AVENUE (SV-1030)

A variance application to allow the construction of a two-family dwelling on 0.15 acres in the R-2 zoning district. Variances are requested for lot area, lot width, front yard, side yard, total side yard, floor area ratio, and street frontage.
The western side of North Cole Avenue, approximately 360 feet north of Stephens Place

Reason for Referral:
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:

*Disapprove

1. The GML referral form, the application review form, and the site plan provided indicate that a two-family dwelling is proposed. However, the architectural drawings provided by Hartman Design, dated January 21, 2021, depict a structure with four dwelling units, based on the Village's definition of a Dwelling Unit. The basement level is physically divided into four spaces. Two of the spaces provide access to a storage room for the units above. The other two basement spaces, as well as the two units on the first and second floors, contain a bedroom, a kitchen, a full bathroom, laundry facilities, and provides a separate entry. There is no interior access between any of the four units.

Multifamily structures are not a permitted use in the R-2 zoning district. In addition, the four parking spaces provided are inadequate for the four units depicted in the architectural drawings. The application must be disapproved and the property must be developed within the allowable uses of the R-2 zoning district.
2. The subject site does not meet the minimum lot area standard of 8,500 square feet required for a single-family residence, and provides less than two-thirds of the lot area required for a two-family dwelling. The lot itself is non-conforming for width and street frontage, as well. The proposed two-family residence will require substantial bulk variances to accommodate an oversized residential building on an undersized parcel. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result in nearby property owners seeking the same relief. A doubling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character and infrastructure capacity. Additional residents will generate more traffic on the local streets, leading to congestion and traffic conflicts. While two-family residences are permitted as of right in the R-2 zoning district, they are subject to stricter bulk requirements. This site is particularly deficient in meeting these more stringent standards. We recommend that the required variances be denied, and that only a single-family residence be permitted.

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 proposed lot area is 65% of the required minimum. The lot width and street frontage are 50% and 71% of the required minimums, respectively. The side and total side yards are deficient by 33% and the front yard is deficient by 12%. The floor area ratio exceeds the maximum limit by 3%. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels 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. As indicated above, only a single-family dwelling can be constructed to maintain the integrity of the zoning ordinance.

The following comments address our additional concerns about this proposal.

4. Tax parcel maps maintained by the County indicate that the site plan includes two separate tax parcels. The municipal boundary between the Village of Spring Valley and the Town of Ramapo runs through the property, approximately 20 feet east of the rear property line depicted on the site plan. The area to the west of the municipal boundary is tax parcel 57.05-2-51. The site plan must be amended to indicate the municipal boundary on the site plan and include references to both tax parcels. The application review form and GML referral form must be amended and the public hearing notice must be re-issued with both tax parcels.

5. The Town of Ramapo is the reason this proposal was referred to this department for review. As previously mentioned, the municipal boundary runs through the rear portion of the property. An application must be made to the Town of Ramapo for any permits that are required for work done within the Town's jurisdiction. In addition, New York State General Municipal Law states that the purposes of Sections 239-I, 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.

6. A 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.
69 NORTH COLE AVENUE (SV-1030)

7 A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.

8 The site plan and architectural drawings provided have been reduced in size, are not to-scale, and are difficult to decipher. Full-sized, to-scale plans must be provided.

9 The bulk table indicates that the proposed structure will have two stories. Although the architectural plans have been reduced in size and are not to-scale, it appears that the basement level does, in fact, meet the Village’s criteria for being considered a story. In addition, the floor plan shown on drawing A-104 indicates that a permanent staircase to the attic level is proposed, and side elevations A-201 and A-202 depict two dormers on the attic level. If the distance between the top of the attic floor to the top of the roof rafters is more than six feet, then the attic is considered a story by the Village’s regulations. The correct number of stories must be confirmed. Grade plane calculations and more detailed architectural drawings must be provided to determine if the basement, the attic, or both are considered stories, based on the Village’s regulations. If necessary, the bulk table must be corrected. If the proposed structure has four stories, then an additional variance for number of stories must be obtained. If the attic is to be finished living space, then it must be counted as gross floor area and apply to the floor area ratio calculation, which will also require an additional variance application. Any new variance applications for number of stories or floor area ratio must be forwarded to this department for review.

10 The site plan indicates that a single rear deck is proposed. The architectural drawings indicate that two rear decks are proposed. All materials must be consistent. The applicant must clarify their intentions and either the site plan or the architectural drawings must be amended.

11 The use of tandem parking spaces prevents egress for vehicles blocked by other vehicles and creates an inconvenient situation for residents. The proposed layout of parking spaces 1 and 2 will encourage residents to park vehicles off-site instead of in their designated spaces and negates the purpose of on-site parking requirements. The tandem parking spaces must be reconfigured to allow independent access for all parking spaces.

12 The architectural drawings indicate that access to the first floor unit will be given by an entry door on the southern façade of the structure. This door is adjacent to parking space 1, which creates a hazardous conflict between pedestrians exiting the structure and vehicles accessing the parking space. In addition, the basement access stairwell at the front of the structure terminates next to parking space 3, which also creates a hazardous situation for pedestrians. The entry doors or the parking spaces must be reconfigured to allow an adequate distance between the spaces and exiting pedestrians.

13 The site plan indicates a different configuration of the stairwell to the basement level on the northern side of the structure than what is depicted on the architectural drawings. All materials must be consistent. The applicant must clarify their intentions and the appropriate materials must be corrected.

14 The footing for the front deck will be in close proximity to parking space 2. The Village must be assured that all structural supports for the deck will not encroach upon or interfere with vehicles accessing the parking spaces, and that adequate height clearance is maintained.

15 The rear of the building is cut off on architectural drawing A-104. The structure must be shown in its entirety.

16 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multifamily dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of $2,000 per day.
69 NORTH COLE AVENUE (SV-1030)

17 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.

18 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.

19 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process:

19.1 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.

cc: Mayor Alan Simon, Spring Valley
    Rockland County Department of Health
    Rockland County Sewer District #1
    Anthony R. Celentano P.E.
    Town of Ramapo Planning Board

Rockland County Planning Board Members

*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 Articles 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 makes 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.

Proprietors 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.

[Signature]
Douglas V. Schrader
Acting Commissioner of Planning
May 10, 2021

Moses Hopstein, Chairperson
Zoning Board of Appeals
Village of Spring Valley
200 North Main Street
Spring Valley, New York 10977

Re:  Owner: Congregation Noam Eliezer Skulen
     Applicant: Naftoli Wagschal
     Premises: 4 Blueberry Hill Road, Village of Spring Valley, NY 10977
     Tax Map Designation: Sec. 49.60  Block 1  Lot 12

Dear Mr. Hopstein:

We represent applicant Naftoli Wagschal, and owner Congregation Noam Eliezer Skulen, in connection with the area variance application recently submitted to the Zoning Board of Appeals.

We are in receipt of the April 28, 2021 letter of Douglas J. Schuetz of the Rockland County Department of Planning (copy annexed).

We respectfully request an override from the Disapproval and Mr. Schuez’ Comments 1, 2, 3, 4, 5, 11 and 12 in his letter.

This is a minimally small addition. The variances are relatively small and the bulk of the County’s Comments are not germane to this application.

Very truly yours,

Joseph A. Churgin

JOSEPH A. CHURGIN
JAC/mc
enc
April 28, 2021

Spring Valley Zoning Board of Appeals
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 49.60-1-12

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/12/2011

Date Review Received: 4/9/2021

Item: 4 BLUEBERRY HILL ROAD (SV-765A)

A variance application to construct two additions to an existing structure, and to establish a place of worship, on 0.24 acres in the R-1A zoning district. Variances are required for lot area, lot width, front yard, side yard, total side yard, rear yard, floor area ratio, and number of parking spaces. The northern side of Blueberry Hill Road, approximately 180 feet west of Dr. Frank Road

Reason for Referral:

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:

*Disapprove

1. Several elements of the current application indicate that there is an existing house of worship, and only minor variances are required for the construction of two small additions. The project description on the GML referral form states "Proposed small addition to House of Worship." The application review form describes the project as "Proposed small Addition." Page 10 of the application review form states that variances are required for side yard, total side yard, and floor area ratio only. However, this property was previously reviewed by this department on September 25, 2007 for a floor area ratio variance to allow an addition to an existing single-family residence. There is no record of any subsequent application having been referred to this department for review. The establishment of a place of worship would require a site plan review by the Spring Valley Planning Board, as well as the granting of several bulk variances that would be necessary due to the change in bulk requirements associated with a house of worship. If any such applications to the Village were made, they were not forwarded to this department for review, as required by General Municipal Law and are, therefore, procedurally defective. A site plan application for the place of worship must be referred to the Rockland County Planning Department as required under Sections 239-I & m of General Municipal Law.
4 BLUEBERRY HILL ROAD (SV-765A)

2 The site plan provided indicates the proposal is for a "one-family detached dwelling with local house of worship." This description implies that the principal use is a one-family dwelling with a local house of worship being an accessory use. The Village's definition of "Accessory" states, in part, "No use shall be considered 'accessory' where such use requires a greater area of a lot or larger setbacks or yards or for which greater restrictions than for the principal use on the lot are imposed..." The bulk requirements for a place of worship are substantially greater than those for a single-family residence. Based on the Village's regulations, the principal use of the property cannot be the single-family residence, but must be the place of worship.

All application materials, including the public hearing notice, must be amended to reflect the correct nature of the application and description of the proposed use: The establishment of a place of worship with a caretaker apartment and the construction of two additions, with required variances for lot area, lot width, front yard, side yard, total side yard, rear yard, floor area ratio, and number of parking spaces. This application must be disapproved and a new application submitted.

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 proposed lot area is 42% of the required minimum for a place of worship. The lot width is 88% of the minimum. The front, side, total side, and rear yards are deficient by 14%, 50%, 38%, and 50%, respectively. The proposed floor area ratio exceeds the maximum standard by 87%. The ability of the existing infrastructure to accommodate development of increased density on undersized parcels 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. The proposed additions must not be permitted.

4 As previously mentioned, the subject property was reviewed by this department in 2007 for a floor area ratio variance for a single-family residence. The existing house and the proposed addition were both described as having two stories. The requested variance was to allow a floor area ratio of 0.71. The requirement at that time for a single-family residence was 0.53. The site plan provided with the current application also describes the existing structure as having two stories, and depicts a structure that is slightly larger than the structure being proposed in the 2007 application (the site plan for the current application depicts slightly smaller side and rear yards than the 2007 proposal). In addition, the site plan for the current application depicts an existing structure with a footprint of approximately 3,610 square feet. Assuming the second floor has a floor area equal to the footprint will result in the existing structure having a gross floor area of approximately 7,220 square feet and a floor area ratio of 0.68. The current application states the existing floor area ratio is 0.53.

It is unclear how the existing structure's floor area ratio has been reduced from 0.71 in 2007 to 0.53 today, which represents a loss of approximately 1,900 square feet of gross floor area. An updated application that provides a positive demonstration of the proposed floor area ratio must be submitted. It must include floor plans by a licensed architect or engineer that include a floor-by-floor tally of gross floor area. Any basement must be included unless there is an explicit statement that it is exempt from floor area ratio calculations due to its ceiling height. Given the extent of the discrepancy in floor area ratio from a previous application, the current application must be disapproved.

5 Based on the site plan, a total of 27 parking spaces are required for the residential component of the structure and for the place of worship. Only two off-street parking spaces, the minimum necessary for the residential component alone, are provided. This is a deficiency of 93% of the required number of spaces and represents a substantial overutilization of the property. This application must be disapproved and the space and number of seats dedicated to the place of worship use must be reduced so that the local roads do not become overburdened.

The following comments address our additional concerns about this proposal.
4 BLUEBERRY HILL ROAD (SV-765A)

6 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is adjacent to the rear 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-n is 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.

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

8 A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.

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

10 Section 255.22.C of the village zoning regulations exempts open porches and decks from yard and coverage requirements. The village must confirm that the proposed front porch complies with this section and does not include any enclosed spaces.

11 The application review form and the GML referral form indicate that property is located in the R-2 zoning district. Both forms must be corrected to indicate the property is in the R-1A zoning district. The public hearing notice must be reviewed and, if it contain inaccurate information, re-issued.

12 The proposed addition at the southeastern corner of the structure encroaches upon an existing walkway. The site plan must be amended to modify the walkway.

13 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.

14 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.

cc: Mayor Alan Simon, Spring Valley
     Rockland County Department of Health

[Signature]

Douglas J. Schuetz
Acting Commissioner of Planning
4 BLUEBERRY HILL, ROAD (SV-765A)

Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District

Anthony R. Celentano P.E.,
Town of Ramapo Planning Board

Rockland County Planning Board Members

*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-e(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.
BLUEBERRY HILL ROAD

ZONE: R-1A ONE-FAMILY DETACHED DWELLING WITH LOCAL HOUSE OF WORSHIP

BULK REQUIREMENTS

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<th>MINIMUM LOT AREA (SQUARE FEET)</th>
<th>LOT WIDTH (FEET)</th>
<th>FRONT YARD (FEET)</th>
<th>SIDE YARD (FEET)</th>
<th>REAR YARD (FEET)</th>
<th>TOTAL SIDE YARD (FEET)</th>
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4 - VARIANCE GRANTED
PARKING IN FRONT YARD

** VARIANCE REQUIRED

PARKING REQUIREMENT
1) SINGLE FAMILY DWELLING - 2 SPACES
2) HOUSE OF WORSHIP 2,200 SQFT TO 2,900 - 11 SPACES
OR 100 SEATS + 1/4 - 25 SPACES
TOTAL REQUIRED - 2 - 25 - 27 SPACES

TAX MAP DESIGNATION: 49.60-1-12
BEING LOT 3 BLOCK P ON A CERTAIN MAP ENTITLED "BLUEBERRY HILL SECT. 2" FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE AS MAP #2966 BOOK 64 PAGE 26 ON 4/22/1962.

LOT AREA: 10,613 SQUARE FEET

PROPOSED HOUSE OF WORSHIP FOR
NOAM ELIEZER
SKULLEN

TOWN OF RAMAPO, ROCKLAND COUNTY
SPRING VALLEY, NEW YORK

SEPT 12 2011 SCALE: 1" = 20'

ANTHONY R. CELENTANO P.E.
THIELLS, N.Y. 10984
845 429 5290 FAX 429 5974

3391 FINAL