

**Village of Upper Nyack
Planning Board Meeting
Wednesday February 19, 2020**

Whereas, an application was made by the Reform Temple of Rockland for review of a site plan for retaining walls and drainage of an existing lot as well as a special permit for Places of Assembly, Worship pursuant to Section 15:88.4 of the zoning code and there were public hearings on September 18, 2019 and continued on February 19, 2020; and

Whereas, the Reform Temple was represented by Jeff Grossman, one of its Trustees and Engineer Stephen Zaskey; and

Whereas, on September 12, 2019 at a special meeting of the Board of Trustees of the Village, the Board granted a waiver from the temporary moratorium on all land use applications to the Reform Temple of Rockland to allow it to apply to the Planning Board for site plan review for retaining walls and drainage work as well as a renewal of a Special Permit for Places of Assembly for Worship; and

Whereas, a full Environmental Assessment Form (EAF) was submitted by the Reform Temple and reviewed and adopted by the Planning Board; and

Whereas, Trustee Jeff Grossman and Engineer Stephen Zaskey made the presentation on behalf of the Reform Temple and reviewed and answered questions concerning the Site plan dated February 2, 2020 prepared by McLaren Engineering Group; and

Whereas, the Reform Temple of Rockland was formed by merger of two Rockland County Temples known as Temple Beth El of Spring Valley and Temple Beth Torah of Upper Nyack by Court order dated March 10, 2015 signed by Honorable Thomas E. Walsh II, Acting Supreme Court Justice; and

Whereas, the Reform Temple of Rockland has approximately 340 member families with three full time staff consisting of a Rabbi, a Cantor and a Director of Learning with religious services held Friday evenings and Saturday mornings and various times throughout the year as the Jewish calendar dictates; and

Whereas, Reform Temple of Rockland formerly known as Temple Beth Torah was granted a special permit by the Planning Board for use of the classrooms at the facility by the Summit School on October 21, 2009; and

Whereas, the application is for property commonly known as 330 North Highland Avenue (Route 9W) Upper Nyack, N. Y. 10960 and is designated on the tax map as 59.20-2-1; and

Whereas, the property is in the Residence R-4 District and the Office Business (OB) District that allows certain uses permitted by Special Permit including Places of Assembly and Worship; and

Whereas, the property consists of 223,104 square feet or 5.12 acres; has 354.7 feet street frontage; complies with all of the required set backs and the impervious lot coverage requirement; and has adequate parking spaces of over 100 spaces (complies with 253 seats in sanctuary: 1 parking space per 3 seats=84 spaces minimum); and

Whereas, the applicant is not proposing any new construction and has satisfied all of the requirements of Sections 15:88.4, 15:88.6 and 15:89 of the zoning code; and seeks to renew its special permit to use its premises for a place of assembly, worship and a synagogue/temple with an accessory use for classrooms to be used for religious instructions; and

Whereas, the Planning Board has reviewed and incorporated the recommendations of the Rockland County Department of Planning contained in its letter dated September 4, 2019; and

Whereas, the Planning Board reviewed the General Municipal Law letters it received from the NYS Department of Transportation (no impact to state highway system); the Town of Clarkstown Planning Board (deemed matter for local determination); Village of Nyack Planning Board (deemed matter for local determination); and

Whereas, the Planning Board has reviewed and incorporated the recommendations of Dennis M. Letson Village Engineer in his Memorandum dated September 18, 2020; and

FINDING OF FACTS

- (1) The Temple is located in the Residence R-4 District and Office Business (OB) District which allows for Places of Assembly for the purpose of worship by special permit.
- (2) The tax lot designation is 59.20-2-1.
- (3) The size of the lot is 223,102 square feet or 5.12 acres.
- (4) There is an existing structure on the premises that is currently being used by the Temple as a synagogue and classrooms on the lower level for religious instructions and there is no need for additional construction.
- (5) The applicant has satisfied all of the requirements of Sections 15:88.4, 15:88.6 and 15:89 of the zoning code and qualifies for a Place of Assembly and Worship for use as a synagogue.
- (6) The use of the Temple will be in harmony with the appropriate and orderly development of the area in which it is located.

- (7) The location, nature and height of the structures, buildings, walls and fences and the nature and extent of existing or proposed plantings on the site are such that the Special Permit use will not hinder or discourage the appropriate development and use of adjacent land or building.
- 8) The operations in connection with the Special Permit use will not be more objectionable to nearby property by reason of noise, traffic, fumes, vibration or other characteristics than would be the operation of permitted uses not requiring a special permit.
- (9) The parking lot has over 100 parking spaces which satisfies the parking spaces required by Section 15:88.4(d) of Zoning Code. The auditorium seats 253 people and the Code requires 1 space per 3 seats or 84 parking spaces.

Now, therefore, Be It Resolved as follows:

- (1) A motion was made by Member Karen Olson and seconded by Cynthia Turner that under SEQR the Board declares there will be no significant environmental impact by the granting of this Special Permit to the Reform Temple of Rockland. Unanimously approved: Ayes: Chairman William Pfaff, members Karen Olson, Cyntia Turner and Danielle Watson; Nays; None
- (2) A motion was made by Member Karen Olson, seconded by Cynthia Turner to grant a Special Permit to the Reform Temple of Rockland to use its building located at 330 North Highland Avenue (Route 9W) Upper Nyack, N. Y. as a Temple or Synagogue and a Place of Assembly and worship with accessory use of classrooms for religious purposes pursuant to Section 15:88.4 of the Village Code which Special Permit will terminate three years from the date hereof unless it is renewed and extended by the Planning Board. Unanimously approved: Ayes: Chairman William Pfaff, members Karen Olson, Cynthia Turner and Danielle Watson. Nays; None

Planning Board of
Village of Upper Nyack

By _____
William P. Pfaff, Chairman

Dated: February 19, 2020
Upper Nyack, N.Y.