



Memorandum

To: Chris Gerver, Chairman
Woodbury Planning Board Members

cc: Maria Rubio, Building Department
Dennis Lindsay, P.E., Village Engineer
Rick Golden, Esq., Planning Board Attorney
Alfred A. Fusco, Jr., P.E., for the applicant

From: Stuart Turner, FAICP
Jonathan Lockman, AICP

Date: February 12, 2020

Re: Yaakov Friedman, Shul in Existing Dwelling, 32 Blueberry Lane, Highland Mills
Tax Map ID#: 217-2-4.2

NPV has reviewed the above-captioned application as requested by the Chairman, to provide input on compliance with Village plans and zoning requirements.

New Materials Received and Reviewed

- Site Plan Review and Approval, Application for Public Hearing, signed by Yaakov Friedman, dated December 23, 2019.
- Sheet 1, Page 1 of 1, Site Plan for Yaakov Friedman, by Fusco Engineering and Surveying, P.C., stamped by Alfred A. Fusco, Jr., P.E., with latest revision date of 11/22/ 2019.

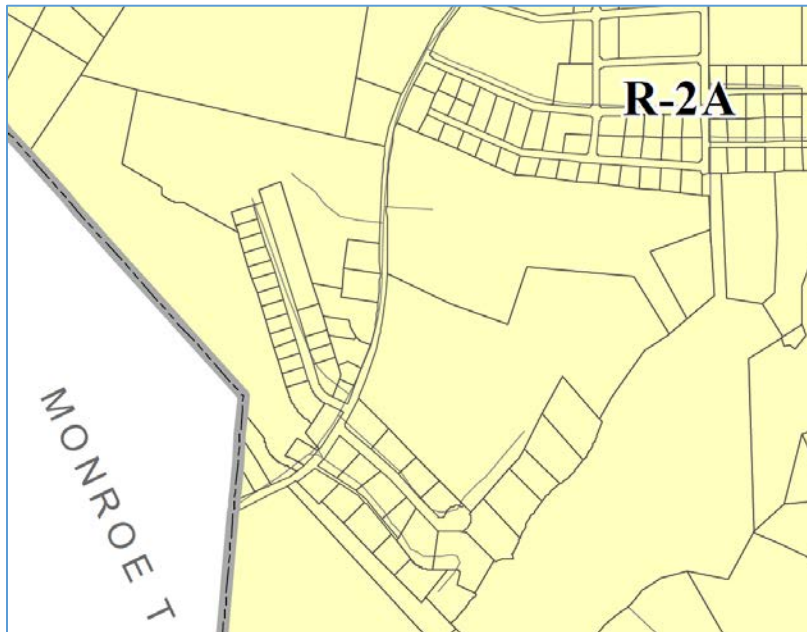
Project Summary

The applicant proposes to convert a 1,000 square-foot portion of an existing house into a shul.

The property is located at 32 Blueberry Lane (off Bakertown Road) on the western shore of Cromwell Lake, on a 1.49 acre lot in the R-2A Zoning District, SBL 217-2-4.2. Eleven parking spaces area proposed. Nine are placed on existing paved areas, and two (numbered 11 and 10) are shown to be constructed along the west side of the driveway. No exterior changes to the residential building structure are indicated. The gross floor area of the residential structure is 3,611 square feet, and a 1,000 square foot portion is proposed to be dedicated as a place of worship, with a capacity of 25 seats (according to the plan notes).

Zoning Comments

1. Places of worship are a permitted use by Special Permit and Site Plan Review of the Planning Board in R-2A. The Zoning Requirements Table on the Site Plan indicates the zoning district of the subject parcel as “R-3A.” This should be corrected to R-2A. A screenshot of the Zoning Map appears below:



2. The required bulk and area standards should also be corrected to reflect the requirements for a Place of Worship, as listed in the Special Permit Uses at row 1 of the §310-7 Schedule of Zoning District Regulations, R-2A District Table:

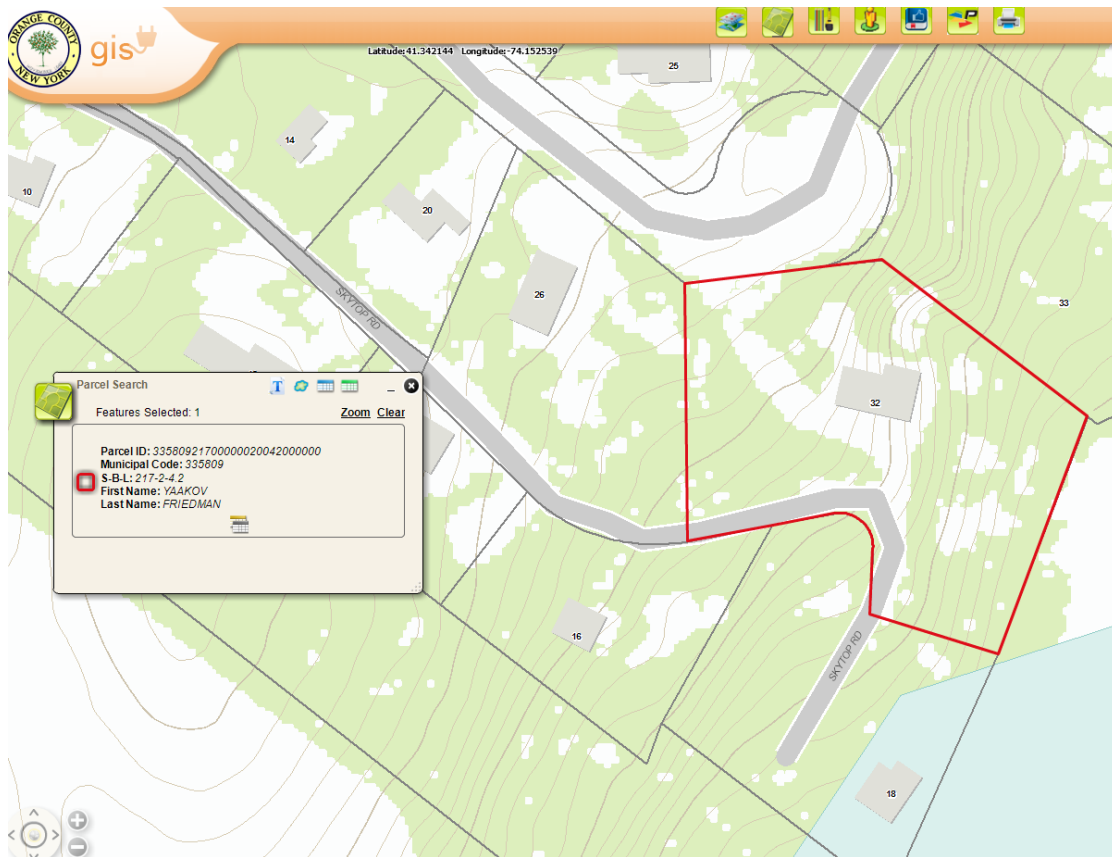
	Required	Existing
Lot Area	2 acres	1.49 acres
Lot Width	175*	158
Front Yard	40	79
Side Yard	30	114
Both Sides	60	235
Rear Yard	50	81
Coverage	20%	20%
Building Height	35	25

The existing lot width is below the usual 175 foot requirement for the district, but frontage on a cul-de-sac may be reduced by 25% per §310-12.A.(3). This cul-de-sac lot would therefore have a lot width requirement of 132 feet, which has been met. Presumably, the Planning Board approved this reduction at the time of subdivision approval for the 1989 lemma Subdivision.

3. It may be interpreted that the residence and shul are each a principal use on this lot, in which case, each individual principal use requires its own minimum lot area. We would defer to the Building Inspector’s ruling on this matter. If with the creation of a 25-person occupancy shul on

the lot two principal uses will be developed, the zoning requirements charts will need to be corrected.

4. The footnote in the Schedule of Zoning District Regulations, for R-3A (which also applies to R-2A), indicates that for places of worship, “the Planning Board shall have discretion to waive any number of these requirements to the extent necessary if certain requirement(s) places a substantial burden on the religious exercise of a person, religious assembly or institution.” We defer to the Planning Board’s attorney and Building Inspector on which variances may be required, if any, and what evidence may need to be submitted regarding a “substantial burden.”
5. The south side of the subject lots appears to have street frontage on Skytop Drive. It appears that this portion of Skytop Drive is be privately owned and would require a 30-foot front yard (per discussion with Building Inspector, see Tax Map below). Therefore, this lot would be considered a “double frontage” lot, with two front lines and two front yards. Parking is not allowed in a front yard, and proposed spaces are shown approximately 3 feet from the edge of the 16.5 foot-wide right-of-way.



Submission Comments

6. The parking requirements note indicates 25 proposed seats for this place of worship. A set of floor plans is needed to show how code-compliant worship space will be created in the existing residence structure, as well as how handicapped access will be provided. Eleven spaces are provided on the proposed plan (9 to be striped on existing pavement, plus 2 to be constructed on

the west side of the driveway, numbered 10 & 11). Eleven are required by Article VI, §310-40.A.(5).

7. New parking is proposed which triggers the need to meet landscaping requirements. We believe this application would be subject to several landscaping standards, including:
 - a. §310-27 C(2) which requires a street tree every 40 feet along the frontage. (We note that such street trees may have been installed earlier, pursuant to the original subdivision approval.)
 - b. §310-27 C(3) which requires a landscaped strip in the front yard.
 - c. §310-27 D which requires landscaping of the parking lot perimeter.

Existing hedgerows and other existing plantings that may provide screening of the proposed parking should be included on the site plan. We note from Google Maps aerial photography that hedgerows along the Blueberry Lane cul-de-sac frontage and along the western property line with Jackson are not shown. A combination of existing and proposed plantings should be indicated to show compliance with landscaping standards. Any proposed tree or planting removals needed to provide the new parking spaces should also be indicated.

8. Grading for the new proposed parking spaces should be indicated.
9. Since users will be walking to the site on Sabbath and Holy Days, sidewalk connections to Blueberry Lane and from Blueberry Lane to the Shul within the site should be shown.
10. Evidence should be provided that well water and the septic system will be adequate to serve 25 worshippers, in addition to the residents of the home.
11. Information on the projected numbers of car and/or bus trip ends, as well as the number of projected walkers should be submitted.
12. Hours of operation should be submitted.
13. Sight distance should be calculated and shown to determine if there is adequate visibility at the driveway entrance.

Planning Comments

14. It appears that the retaining wall located just beyond the “bulb” end of the driveway is within the road right of way for Skytop Drive, blocking part of the access to the property n/f 18 Skytop Road LLC to the south of the subject lot (217-3-7).
15. When the proposed parking island is removed and replaced with slate, will it be at grade with the driveway surface? The area of the island will need to be driven over, or the proposed parking spaces will not be usable.

SEQR Comments

16. We believe that the Planning Board may find that this action is a Type II, not requiring further SEQR action. On the list of exempt Type II actions under SEQR, Number 18 lists the “reuse of a

residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceed any of the thresholds in section 617.4 of this Part.” As no expansion of the residential structure proposed, we believe this applies, but will defer to the Planning Board’s attorney in this matter.

Please let us know if you have any additional questions on this matter. We will be happy to provide further detailed review once a more complete plan and application package is submitted, in accordance with §310-45 of the Zoning Code. For a site plan approval without any new buildings or building additions such as this application, the Planning Board may waive certain unnecessary submission requirements per §310-45.E.