

# **ARDEN CONSULTING ENGINEERS, PLLC**

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August 30, 2023

Village of South Blooming Grove  
Zoning Board of Appeals  
811 Route 208  
Monroe NY 10950

**Re:** Proposed House of Worship Site Plan  
8 Kingsville Drive  
Village of South Blooming Grove

Dear Chairman Bittman & Zoning Board of Appeals Members:

Arden Consulting Engineers, PLLC is providing this letter on behalf of the Applicant, Moshe Halpern. The paragraphs below contain additional information related to the requested variances.

## **PART 1 – Area Variance Analysis**

### **The Applicant seeks the following variances:**

1. Front Yard Reduction from 45' to 12.7'
2. Rear Yard Reduction from 50' to 6.6'
3. Coverage increase from 35% to 58.11%
4. Building height increase from 35' to 38'-8"

As to each requested variance, the Applicant has addressed the criteria the ZBA needs to consider in connection with granting a variance, which are the following:

**(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;**

*Response: The 3,759 SF House of Worship (HOW) is not an excessively large structure that can be situated on the subject lot which was previously used as a residence. The HOW has large rear yard separation distances to any nearby residences. There are also existing trees and brush in the adjacent parcel that aid in screening the subject parcel. A larger footprint was utilized to obtain the required area for a HOW and thereby minimizing the height of the building.*

**(2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;**

*Response: The HOW must be located within this residential neighborhood to serve the large Jewish population and to allow for members to be able to walk to it during days of worship. The structure is modest in size and can accommodate 50-125 members or less; the size of the membership was chosen to minimize the footprint and associated variances.*

**(3) whether the requested area variance is substantial;**

*Response: The structure is modest in size and has been designed to minimize the zoning variances being requested. The building height increase from 35' to 38'-8" is not substantial. A larger footprint with a reduced height has been developed to have less of an impact on the neighborhood.*

**(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and**

*Response: The structure is modest in size. The members will walk to the house of worship thereby minimizing traffic. The water & sewer use for a HOW is often less than a residential dwelling.*

**(5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.**

*Response: A majority of the parcels in this neighborhood have similar lot dimensions and areas; the subject parcel has a pre-existing lot area of approximately 0.5 acres. The pre-existing dimensions of the lots in this neighborhood make it difficult to design a modest size HOW without any area variances.*

**The Applicant's Proposed Use:**

The Applicant proposes to construct a 3,759 SF House of Worship for a maximum of 50 to 299 persons, on a lot that is 0.63 acres, and will provide parking for 9 vehicles.

**Availability of Alternatives:**

The Applicant presents the following evidence as to the "availability of alternatives to the proposed religious use," and the Applicant also addresses the following considerations:

1. What is the minimum size of facility that is reasonably tailored to satisfy the Applicant's present and reasonable future needs?

*Response: The Applicant is the Owner of the parcel and is willing to convert the building from a personal house to a house of worship. This Applicant has already taken this into consideration and has provided the smallest footprint feasible while also allowing for the future growth of the congregation. All the proposed rooms are required for the proper religious operation of this congregation which prevents the removal of any rooms or the reduction in room size.*

2. Are other building lots available in close proximity to 8 Kingsville Drive, which are more suitable to development into a reasonably tailored House of Worship suitable for the Applicant present and reasonable future needs?

*Response: This was the only property that the Applicant owns and within the financial means of the congregation. This location provides for a site that is within walking distance to the members of the congregation. The subject site is in a safer location for pedestrians than other parcels, for example, that are closer to or along New York State*

Route 208.

3. As to each such building lot, will any of these lots fill the Applicant's needs without requiring as substantial relief from the Village's bulk zoning code as required to build a reasonably tailored House of Worship on 8 Kingsville Drive?

*Response: Please refer to the response to question 2. above.*

4. As to each other building lot that will satisfy the Applicant's needs are available, are any of these lots economically feasible for the Applicant to acquire and develop?

*Response: Please refer to the response to question 2. above.*

5. If there are no such lots that are available, then which of the zoning restrictions are incidental to compelling interest in imposing the burden on the Applicant's religious exercise in this particular proposal?

*Response: As noted above, the proposed rooms are required for the proper religious operation of this congregation which prevents the removal of any rooms or the reduction in room size. All the rooms and room sizes are necessary for religious functions.*

a. Stormwater – Notwithstanding the relief a religious user is entitled to under RLUIPA, the NYS DEC Stormwater Regulations must be complied with. Consideration should be given to bioswales and pervious parking surfaces.

*Response: The site will disturb less than 1-acre of soil which exempts the applicant from completing a Stormwater Prevention Pollution Plan (SWPPP) with post construction controls. An Erosion & Sediment Control Plan is all that is required for this project.*

Sincerely,

Arden Consulting Engineers, PLLC



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Michael A. Morgante, P.E.