

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 19, 2017

Airmont Zoning Board of Appeals
251 Cherry Lane
P.O. Box 578
Tallman, NY 10982

Tax Data: 56.18-2-49.1 56.18-2-48

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/3/2016

Date Review Received: 12/13/2016

Item: *YESHIVA KARLIN STOLIN (A-94H)*

Development coverage variance to allow the construction, maintenance and use of a 24,740 SF, two-story yeshiva for boys in grades K-8 on 2.73 acres in the R-35 zoning district .

East side of South Monsey Road, south side of the railroad right-of-way, approximately 170 feet south of Monsey Heights Road

Reason for Referral:

South Monsey Road (CR 81), Frank J. & Lillian G. Schwartz Memorial Park

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 An updated review of the August 3, 2016 site plan must be completed by the County of Rockland Department of Highways and all required permits obtained. In addition, the applicant must comply with the conditions of the Highway Department's letter of April 19, 2016.
- 2 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 3 An updated review of the August 3, 2016 site plan must be completed by the Rockland County Sewer District No. 1 and all required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District's letter of April 4, 2016.
- 4 The proposed yeshiva building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

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- 5 A review of the previously submitted Fire Truck Turn Analysis (Drawing Number 12) must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector or the Monsey and Tallman Fire Districts to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 6 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 applicant is seeking an 81 percent increase over the maximum permitted development coverage. 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.
- 7 Our tax mapping records and the application form indicate that the two parcels comprising the proposed yeshiva site are under different ownership. In order for the proposal to be approved, and the lots merged, the parcels must be under the same ownership. In addition, the site plan notes should be updated with both property owners for the two parcels.
- 8 The proposed monument sign shall conform to the municipality's sign standards.
- 9 As noted in our April 20, 2016 GML review, Note # 7 of the Site Plan Notes on the Title Sheet (Drawing Number 1) indicates that the site is located in the Monsey Fire District. On the Layout Plan (Drawing Number 2), Note # 7 specifies the Tallman Fire District. All application materials must be consistent. The appropriate fire district must be clarified.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District
Tallman Fire District
Leonard Jackson Associates

Simon Reichman

**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.

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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.

