



**COUNTY OF ROCKLAND**  
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ  
Acting Commissioner

September 17, 2014

ARLENE R. MILLER  
Deputy Commissioner

New Hempstead Zoning Board of Appeals  
108 Old Schoolhouse Road  
New City, NY 10956  
Tax 42.13-2-40

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:** 6/25/2014

**Date Review Received:** 7/8/2014

**Item:** *YESHIVA OF GREATER MONSEY (NH-81J) - REVISED*

Variances to allow the proposed construction of a 54,735 sq. ft. religious school on 4.89 acres in the 1R-40 zoning district. Required variances include: lot area, side yard, impervious cover, floor area ratio, parking within the front yard, and number of parking spaces within the front yard. A waiver from the special standards for schools, Section 6.9.4, is also being requested.

South side of New Hempstead Road, opposite Ellington Way

**Reason for Referral:** New Hempstead Road (CR 80)

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***

Staff for the Rockland County Planning Department met with the applicant, and applicant's engineer and attorney on Tuesday, September 16, 2014 to discuss their GML review submitted July 30, 2014 to the Village of New Hempstead Zoning Board of Appeals, in which the variances to permit the proposed Yeshiva were disapproved. Many issues were discussed and presented by the representatives of Yeshiva of Greater Monsey at the meeting that clarified several of the concerns. Therefore, we are amending our review dated July 30, 2014, to recommend modifications, and this review supercedes our previous review.

1. Our July 30, 2014 review had indicated that the land adjacent to the site to the south and west was parkland owned by the Town of Ramapo, and therefore should be better protected from development pressures. We were specifically concerned that the extra buffer requirements should be provided to help protect the parkland. At the meeting, the applicant's attorney provided a deed and subdivision plat for this Town of Ramapo owned land adjacent to the site that seemed to indicate that the land was not parkland. Following up from the meeting, we contacted representatives from the Town of Ramapo Parks and Recreation Department, Town Attorney, and Town Assessor's offices to get confirmation that they did not have this parcel classified as parkland. As a result, it was in fact confirmed that this parcel was donated to the Town for general municipal purposes, and not specifically parkland.

However, of greater concern to the Town of Ramapo was the issue of the more direct drainage flowing onto their property. Since an impervious cover variance is required, resulting in more

**YESHIVA OF GREATER MONSEY (NH-81J) - REVISED**

- drainage run-off, the Town must be given the opportunity to review the proposed application for the religious school and to provide to the Village of New Hempstead any concerns regarding development of the site, and any impacts that may result to their land, particularly related to drainage or stormwater run-off.
2. Our July 30, 2014 review cited concerns with the yard setbacks as they relate to United Water New York's land in which two wellheads are located. Subsequent to our review, we received a letter from United Water New York dated August 4, 2014. This letter confirmed that the Yeshiva of Greater Monsey is located immediately adjacent to an established groundwater protection zone and public well fields. The utility company's greatest concern is the prevention of contamination of the site which would impact water quality. Furthermore, they are also concerned with groundwater recharge which would be reduced due to the development of the site and installation of impervious surfaces. Specifically, to help offset the impervious cover variance, United Water New York requests that several actions be undertaken by the school. These included the following: 1) The storage of hazardous material, i.e. fertilizers, pesticides, herbicides, or deicing materials, follow the guidelines of all applicable Federal, State and local regulations and adhere to Best Management Practices (BMPs) pertaining to such storage, management or use, to help minimize releases of these materials to the environment; 2) Application of these pollutant materials be conducted in a prudent manner so as to not impact the regional water quality; 3) Use stormwater BMPs to treat poor quality surface water run-off during the construction and post-development phases of the project; 4) A pre- and post-development groundwater recharge analysis must be conducted to balance the pre- and post-development groundwater infiltration volume; 5) Install BMPs throughout the site, including pervious block pavers, pervious pavement, and hollow block pavers, construction of recharge basins and dry wells to help preserve and/or enhance recharge; and 6) Develop a BMP inspection and maintenance plan to ensure that stormwater and groundwater recharge rates are maintained, and that other pollutants are not discharged into the well field protection zone area. All of the comments and concerns raised in the August 4, 2014 letter from United Water New York must be addressed.
  3. The conditions in the August 25, 2014 letter from the Rockland County Department of Highways must be met. Since the applicant requires variances for front yard and the number of parking spaces within the front yard, it is more critical that the area of land within the designated street line be gratuitously dedicated to the County Highway System to ensure that no structures, plantings, or other obstacles are located within this setback area, particularly given the reduced setbacks and limited sight distance along this roadway.
  4. The comments and conditions raised in the August 1, 2014 and September 2, 2014 letters from the Rockland County Sewer District #1 must be met.
  5. While the lot area is only 2.4% less than the minimum required, the floor area ratio is 157.5% greater than the maximum allowed for this special permit use. The site is too small to accommodate a school of this size. This is evidenced by the other required variances needed to implement the site plan as proposed. Retaining walls are being constructed on the property line, or within only a few feet, and stacked parking is required in order to meet the required number of parking spaces. Every effort must be made to reduce the size of the building so that it better conforms to the zoning ordinance bulk requirements.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

**YESHIVA OF GREATER MONSEY (NH-81J) - REVISED**

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C: Mayor Fred Brinn, New Hempstead  
Rockland County Department of Highways  
Rockland County Office of Fire and Emergency Services  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Planning Board  
Moleston Fire District  
United Water New York  
Town of Ramapo  
Leonard Jackson Associates  
New York State Department of State, Division of Code Enforcement and Administration

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above. 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.*

