



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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**C. SCOTT VANDERHOEF**  
County Executive

**THOMAS B. VANDERBEEK, P.E.**  
Commissioner

October 17, 2013

**ARLENE R. MILLER**  
Deputy Commissioner

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 49.11-1-3      49.11-1-1

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

**Map Date:** 4/1/2013

**Date Review Received:** 9/13/2013

**Item:** *CONGREGATION BETH MIKROH (R-1447Q)*

Site plan for two additions to an existing school building on 3.36 acres in an R-40 zoning district. An existing single-family residence will be retained as a caretaker's residence. The three separate tax lots will be combined.

South side of Viola Road, east side of Maple Avenue

**Reason for Referral:**

Viola Road (CR 74), Pete Erickson County 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 The applicant must satisfy the conditions of the Rockland County Highway Department's October 2, 2013 letter.
- 2 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

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- 3 This department is not generally in favor of granting parking variances for sites located on state or county highways. Viola Road is a heavily traveled county road. The safe and efficient flow of traffic can be negatively impacted by inadequate on-site parking. Historically, there has been a problem with vehicles stacking along Viola Road to enter this site. While the additional parking area and the proposed West Maple Avenue driveways may alleviate this problem during school hours, we are concerned about special events such as parent-teacher conferences and graduations which will require additional parking. The applicant must address how parking for such events will be handled. Off-site parking agreements must be in place to ensure that vehicles are not stacked along Viola Road.
- 4 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 proposing additions to the existing school building that require a 25 percent variance for maximum allowable floor area ratio. The proposed development coverage is 3.5 times greater than the permitted maximum. The ability of the existing infrastructure to accommodate facilities of this size 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 Town must consider the cumulative and regional impacts of permitting such development. We recommend that the proposed additions be scaled back to more closely conform to the R-40 bulk standards, as well as the special permit requirements for schools.
- 5 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- 6 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 7 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- 8 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 9 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 10 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.
- 11 The proposed school building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 12 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town's Fire Inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 13 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
- 14 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

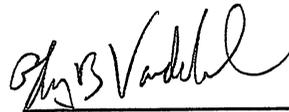
**CONGREGATION BETH MIKROH (R-1447Q)**

15 Additional low evergreen landscaping must be provided in front of the parking spaces facing Viola Road to shield headlights from shining into oncoming vehicles traveling on the county road.

16 All proposed signage shall be indicated on the site plan and shall conform to the Town's sign standards.

17 In our September 12, 2012 review of a previous site plan proposal, we questioned whether a buffer area is required between the subject site and the residential properties to the south and east. Section 376-1216.A.(3) stipulates that the project shall be suitably landscaped with perimeter, parking lot and building plantings as required by the Planning Board. No landscaping is proposed along the southern property line or the southern portion of the eastern property line. An appropriate landscaped buffer must be provided as required in Section 376-1216.A.(3).

18 Section 376-1216.A.(1) requires an on-site recreational area of 30 square feet per student. The recreational space requirement for the 650 students is 19,500 SF. The site plan depicts an 18,000 SF play area. A variance is therefore required. Additional land area must be provided for recreational use.



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Thomas B. Vanderbeek, P.E.  
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Department of Highways  
Rockland County Drainage Agency  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Division of Environmental Resources  
Rockland County Office of Fire and Emergency Services  
Anthony R. Celentano P.L.S.  
New York State Department of State,  
Division of Code Enforcement and Administration  
Gabriel S. Bodenheiner

*\*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.*

*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.*

