



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

December 9, 2013

ARLENE R. MILLER
Deputy Commissioner

Ramapo Zoning Board of Appeals
237 Route 59
Suffern, NY 10901

Tax Data: 49.19-7-1.1

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

Map Date: 10/7/2013

Date Review Received: 11/8/2013

Item: **CONGREGATION YESHIVA KESSER TORAH (R-1872B)**

Variances for lot area, front setback, front yard, side setback, total side setback, rear setback, maximum development coverage, floor area ratio, buffer and interior driveway distance to allow the construction, maintenance and use of a dormitory building as an accessory use to an existing school of religious instruction on .5728 acres in an R-15C zoning district.

North side of Cedar Lane, opposite Blauvelt Road, and 105 feet west of NYS Route 306.

Reason for Referral:

NYS Route 306, Village of Kaser

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 In Section 376-5 of the Ramapo Zoning Code, "accessory" is defined as "the term applied to a building, structure or use which is clearly incidental or subordinate to, and customarily in connection with, the principal building structure or use." The proposed dormitory has a larger building footprint than the existing school. The number of stories is not specified for the dormitory building but given the proposed Floor Area Ratio (F.A.R.), it appears that it has three floors. Since the dormitory structure is considerably larger than the existing building on this site, it cannot be considered incidental or subordinate to the school.

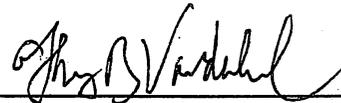
In addition, several variances are required including front yard, front setback, side setback, total side setback, rear setback, development coverage, F.A.R., buffer and interior driveway distance. This proposal will result in an overutilization of the site as evidenced by the number of variances required. The rooftop play area is also indicative of overdevelopment. There is no land area available to provide the required 1,800 SF of recreational space. The proposed dormitory building must be scaled back significantly if it is to serve as an accessory use, and more closely comply with the R-15C standards for this use.

CONGREGATION YESHIVA KESSER TORAH (R-1872B)

- 2 An updated review of the October 7, 2013 site plan shall be completed by the New York State Department of Transportation (DOT) and all required permits obtained. The applicant must comply with the conditions of DOT's March 19, 2013 letter.
- 3 The applicant must comply with the conditions of the Rockland County Health Department's letter of October 15, 2013.
- 4 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the western property line of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Village of Kaser must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 5 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 ability of the existing infrastructure to accommodate facilities of this size on non-conforming 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 Town must consider the cumulative and regional impacts of permitting such development.
- 6 The proposed building and the existing school must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 8 It will not be possible for sanitation workers to access the dumpster enclosure if vehicles are parked in space #10. The dumpster enclosure must be moved to a more accessible location.
- 9 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.



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

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Department of Health
Rockland County Drainage Agency

CONGREGATION YESHIVA KESSER TORAH (R-1872B)

Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano P.E.
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Rabbi David Fishman, Dean

**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.

