



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

December 17, 2013

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 57.17-4-67

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

Date Review Received: 11/18/2013

Map Date: 10/25/2013

Item: **UNITED TALMUDICAL ACADEMY OF MONSEY (R-1510C)**

Variances for lot area, front setback (Old Nyack Turnpike and South Madison Avenue), front yard (Old Nyack Turnpike and South Madison Avenue), rear setback, rear yard, maximum building height, maximum development coverage, floor area ratio and parking to allow the construction, maintenance and use of a four-story, 94,700 SF school of religious instruction on .9454 acres in an R-15 zoning district. The parking and recreational space is proposed on an adjacent school site owned and operated by the applicant.

Northeast corner of Old Nyack Turnpike and South Madison Avenue

Reason for Referral:

Old Nyack Turnpike (CR 52), Village of Spring Valley, NYS Route 45

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:

****Disapprove***

This development proposal will result in an overutilization of the site as evidenced by the number and the magnitude of the variances required. The floor area ratio is three times greater than the maximum allowed for this use in the R-15 zoning district. The development coverage exceeds the permitted maximum by more than 30 percent even though no parking is proposed on the subject site. The building footprint is massive, extending to the northern property line, within ten feet of the western property line and five feet of the southern property line. The side setback is 38 feet on the eastern side of the lot. A height variance and several yard and setback variances are also required.

Forty-eight of the required 90 parking spaces are proposed on an adjacent school site owned and operated by the applicant. It appears that eighteen existing parking spaces on that site will be removed to allow for the proposed development of the subject site. The required recreation area is also to be provided on the adjacent property. The narrative provides minimal information about the

UNITED TALMUDICAL ACADEMY OF MONSEY (R-1510C)

two schools on the adjoining parcel. In order to evaluate the needs of both parcels, the square footage of the school buildings and the size of the student body must be clarified for the adjacent parcel. In addition, the required on-site parking and recreational space must be indicated. It is not possible to determine if shared parking and recreation facilities are a feasible option based on the limited information provided.

The proposed school of religious instruction must be scaled back to more closely conform to the R-15 bulk standards, as well as the special permit standards outlined in Article XII. On-site parking and recreational facilities must be provided on the subject parcel.



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

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
New York State Department of Transportation
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
Anthony R. Celentano P.E.
Village of Spring Valley

Mosdos D'Rabini of Monsey, Inc.

Rockland County Planning Board Members

**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.