



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

March 25, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 49.11-1-3 49.11-1-2 49.11-1-1

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

Map Date: 2/5/2014

Date Review Received: 2/26/2014

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

Variances for front setback (West Maple Avenue and Viola Road), front yard (West Maple Avenue and Viola Road), rear setback, maximum development coverage and floor area ratio to allow the construction, maintenance and use of two additions to an existing school building on 3.363 acres in an R-40 zoning district.

South side of Viola Road, east side of West 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 An updated review of the February 5, 2014 site plan must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- 3 The applicant must comply with the Rockland County Health Department's letter dated March 14, 2014.

CONGREGATION BETH MIKROH (R-1447R)

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 has increased from 70 percent to 80 percent. It is now four times greater than the permitted maximum of 20 percent. 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 The proposed school building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

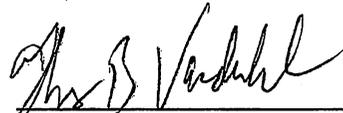
6 In our September 12, 2012 and October 17, 2013 reviews of previous site plan proposals, we questioned whether a buffer area is required between the subject site and the residential properties to the south and east. Section 376-1216.A.(3) stipulates that the project shall be suitably landscaped with perimeter, parking lot and building plantings as required by the Planning Board. No landscaping is proposed along the southern property line or the eastern property line. An appropriate landscaped buffer must be provided as required in Section 376-1216.A.(3).

7 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 several basketball courts and a grass area. It is unclear whether the grass area will serve as recreational space. The square footage of the proposed recreational facilities is not provided so it is not possible to determine if the minimum standards is achieved. Additional information must be provided to ensure that at least 19,500 SF of recreation space is proposed.

8 A turnaround area must be provided for the parking area in the northeast corner of the site.

9 The final disposition of the temporary trailers along the southern property line must be stated on the site plan.

10 Low evergreen landscaping shall be planted in front of the parking spaces facing Viola Road to mitigate the reduced front yard, and to shield the headlights from shining into the County right-of-way.



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

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
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
Congregation Beth Mikroh

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**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.

