



COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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September 18, 2014

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Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.12-2-49 49.12-2-48 49.12-2-47 49.12-2-46

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

Map Date: 7/14/2014

Date Review Received: 8/15/2014

Item: *OHR SOMAYACH RELIGIOUS CAMPUS (R-1395R)*

Revised site plan for three, three-story, 20,844 SF dormitory buildings, a 4,700 SF, two-unit caretakers' residence and a three-story, 19,996 SF multi-purpose building on a 10.1-acre site of an existing school in the R-25 zoning district. Earlier submissions did not include the multi-purpose building. A second, 4,700 SF two-unit caretakers' residence was previously proposed in the same location. The larger structure results in the need for additional variances including side setback, total side setback, side yard, maximum development coverage and side yard buffer.

Southeast corner of Viola Road and Route 306

Reason for Referral:

NYS Route 306, Viola Road (CR74), Village of New Hempstead

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 As indicated in the New York State Department of Transportation's letter of August 29, 2014, a State Highway Work Permit will be required for work within the State Right-of-Way.
- 2 The applicant must address the outstanding issues mentioned in the Rockland County Health Department's letter of August 21, 2014.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letters of August 20, 2014 and September 9, 2014.

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4 The Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The New Hempstead municipal boundary is along Viola Road immediately north of the subject site. This area of New Hempstead is zoned 1R-40, a low-density, single-family residential zoning district. 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; the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas; drainage; community facilities; official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and such other measures as may relate to the public convenience, to governmental efficiency, and to achieving and maintaining a satisfactory community environment. 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 New Hempstead 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 New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposed use and the required variances.

5 There shall be no net increase in the peak rate of discharge from the site at all design points.

6 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.

7 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

8 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.

9 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

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10 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

11 The required 30-foot buffer and all minimum yard and setbacks shall be provided between the northern and southern property lines of Lot 49.12-2-45 and any development on Lots 49.12-2-46, 47 and 50. The proposed dormitory (B3), the parking area and the multi-purpose building (D) shall not encroach into these areas. When Lot 49.12-2-45 was subdivided and .839 acres were conveyed with deed restrictions to Ohr Somayach in 1986, the applicant did not own Lots 49.12-2-46, 47, 48 and 49. The existing residence on Lot 49.12-2-45 is surrounded on three sides by the applicant's property. Adequate buffering must be in place to protect this residential property.

12 The Grading, Drainage and Utility Plan shows re-grading on the south side of Dormitory B3 going up to the property line of Lot 49.12-2-45. A six-foot fence is proposed along the eastern half of the northern property line of Lot 49.12-2-45. It is unclear how the new contours will tie back into the existing topography before reaching this lot. As noted above, there shall be no encroachment into the 30-foot buffer area protecting the side yards of this residential property.

13 The July 11, 2014 Narrative Summary submitted with this application states that the number of dormitory units will be reduced from 133 to 130 through architectural modifications to the three approved dormitory buildings. No additional information is provided about the size or the occupancy of these 130 dormitory units. An August 20, 2014 letter from the Rockland County Sewer District No. 1 references 108 two-bedroom apartments and a 12-room dormitory with three students per room or a total of 120 units. The applicant must provide additional information about the 130 dormitory units, including but not limited to, a breakdown of number of units per building, the size of the units and the occupancy of each unit.

14 The proposed dormitories, caretakers' residence and the multi-purpose building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

15 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.

16 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.

17 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

18 The row of parking spaces immediately south of Building D, the multi-purpose building, includes two existing handicapped spaces at the eastern end. Given the adjacent drop curb to the sidewalk that bears east to the existing men's dormitory, we do not believe these spaces are intended to only serve Building D. Additional handicapped spaces must be provided near the center and western entrances to Building D.

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- 19 A landscaping and lighting plan shall be submitted for our review.
- 20 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line or onto the state or county roads.
- 21 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 22 There are two basketball poles located on the east side of the property. Additional parking spaces are now proposed in this area. Will the basketball poles be relocated? The final disposition of these recreational features must be clarified.
- 23 This department is in receipt of letters dated September 9, 2014 from the Rockland County Sewer District No. 1 and the Rockland County Health Department referencing temporary trailers on this site. These structures are not indicated on the site plan. The Town of Ramapo has not referred a site plan for temporary trailers to this department for review under the New York State General Municipal Law. Additional information must be provided about the temporary trailers.
- 24 The variances required for this revised site plan are subject to a review by this department as mandated by the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Rockland County Historic Preservation Board
Leonard Jackson Associates
Village of New Hempstead
New York State Department of State,
Division of Code Enforcement and Administration
Monsey Fire District
Rabbi Abraham Braun

**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.