



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

ARLENE R. MILLER
Deputy Commissioner

April 9, 2014

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

Tax Data: 32.17-2-2

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

Map Date: 2/25/2014

Date Review Received: 3/11/2014

Item: *TIFERET TORAH SEPHARDIC HERITAGE CENTER (R-2387A)*

Variances for lot area, lot width, side setback, total side setback, side yard, street frontage, distance between any dormitory and any interior driveway, and minimum buffer to allow a school of general and religious instruction and dormitory in an existing single-family residence on 3.1293 gross acres (2.6321 net acres) in an RR-80 zoning district.

Northwest side of Haverstraw Road, 1675 feet north of Lime Kiln Road

Reason for Referral:

Haverstraw Road (NYS Route 202), Village of Wesley Hills, Mahwah River, Harriman State Park, Federal Wetlands

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 25, 2014 site plan shall be completed by the New York State Department of Transportation (NYSDOT) and all required permits obtained. The applicant shall comply with the conditions of the NYSDOT's February 5, 2013 and February 28, 2013 letters.
- 2 An updated review of the February 25, 2014 site plan must be completed by the County of Rockland Drainage Agency and all required permits obtained. The applicant shall comply with the conditions of the Drainage Agency's November 16, 2012.
- 3 An updated review of the February 25, 2014 site plan must be completed by the County of Rockland Department of Health and all required permits obtained. The applicant shall comply with the conditions of the Health Department's January 29, 2013 and May 29, 2013 letters.

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4 An updated review of the February 25, 2014 site plan must be completed by the County of Rockland Sewer District #1 and all required permits obtained. The applicant shall comply with the conditions of the Sewer District's January 29, 2013 letter.

5 A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

6 A review must be completed by the Palisades Interstate Park Commission and their comments considered.

7 The Floodplain Administrator for the Town of Ramapo shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

8 The proposed school and dormitory building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

9 The Village of Wesley Hills is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Haverstraw Road and directly adjacent to 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 Wesley Hills 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 Wesley Hills must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

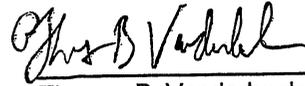
10 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The ability of the existing infrastructure to accommodate schools and dormitories on undersized, environmentally sensitive sites 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.

11 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town's fire inspector and the Moleston Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

12 The Town of Ramapo Building, Planning and Zoning Department's March 10, 201 denial letter indicates that a variance is required for total side setback. This variance is not included in the bulk table. All application materials must be consistent.

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13 The habitat site investigation report referenced in the project narrative shall be submitted for our review.



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

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
United States Army Corps of Engineers
Palisades Interstate Park Commission
Anthony R. Celentano P.E.
Village of Wesley Hills
New York State Department of State,
Division of Code Enforcement and Administration
Moleston Fire District
Rash N. Hakakaian

**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.

