



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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

EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

October 1, 2014

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 56.11-3-4

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

**Map Date:** 7/30/2014

**Date Review Received:** 9/8/2014

**Item:** *YESHIVA KETANA OF MONSEY (R-2468B)*

Total side setback variance to allow the construction, maintenance and use of a mikva addition to an existing school building on .4486 acres in an R-15A zoning district.  
North side of Grove Street, 450 feet west of Treetop Lane

**Reason for Referral:**

NYS Route 59

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 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 educational facilities on undersized 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.
- 2 The square footage of the mikva addition must be specified. This department has reviewed two site plan applications for this parcel. The first was for a second story addition; the second was for the mikva addition. The site plan for the second floor addition was last revised on July 22, 2014; the mikva addition site plan was last revised on July 29, 2014. The map submitted with this application to the Zoning Board of Appeals was last revised on July 30, 2014. The three maps all indicate that the proposed floor area ratio is .54. The later maps must specify a higher floor area ratio given the additional floor area of the enlarged mikva. This issue was raised in our September 2, 2014 site plan reviews, and in the Director of Building, Planning and Zoning's August 6, 2014 memorandum.

**YESHIVA KETANA OF MONSEY (R-2468B)**

3 The project narrative submitted with this application does not specify the number of staff or the size of the student body. The parking calculation on the site plan indicates that there are ten employees. The bulk tables specifies 75 students and the recreation area calculation seems to confirm that number although it is not clearly stated. Since a parking variance of 40 percent was previously granted, additional information must be provided about the current and future staffing needs of the school. The narrative must include the total number of employees, as well as shift times and staffing levels throughout the school day. The current and future size of the student body must be clarified, and the transport of students explained.

4 The nine on-site parking spaces must be clearly indicated on the site plan, and in the field. Aerial photography of the site, taken in 2013, does not show a striped parking area. It is not apparent that nine parking spaces can be safely accommodated on this parcel.

5 The required recreation area must be identified on the site plan.

6 The dumpster enclosure must be indicated on the site plan and easily accessible to sanitation workers. Parked vehicles must not block access to the dumpster enclosure.

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

  
\_\_\_\_\_  
Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
New York State Department of State  
Rockland County Department of Health  
Rockland County Sewer District #1  
Anthony R. Celentano P.L.S.  
New York State Department of State,  
Division of Code Enforcement and Administration  
Gershon Bornfreund

*\*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.*