



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

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May 18, 2015

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

**Tax Data:** 49.14-1-52

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

**Map Date:** 3/17/2015

**Date Review Received:** 4/21/2015

**Item:** *TALMUD TORAH (R-1015B)*

Variances for lot area, lot width, side setback, total side setback, rear setback, maximum development coverage, floor area ratio, on-site parking spaces and parking in the front yard to allow the construction, maintenance and use of a three-story school with a 9,200 SF building footprint on .989 gross acres (.979 net acres) in an R-40 zoning district. An existing single-family dwelling will be retained as a caretaker's residence.

East side of College Road, approximately 145 feet south of Smolley Drive

**Reason for Referral:**

College Road (CR 81), Rockland Community College

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 The subject site is non-conforming in terms of lot area and lot width. A variance of more than 46 percent is required for minimum lot area. In addition, the site is compromised by a 30-foot wide sewer and drainage easement that runs across the rear of the parcel. The applicant is proposing a school building that is only 4,400 SF less than the maximum 32,000 SF permitted on a conforming 80,000 SF lot. A floor area ratio variance of almost 88 percent is required. The proposed on-site parking is deficient by 50 percent. The maximum permitted development coverage is exceeded by 225 percent. Several setback variances are also required. This proposal will result in a gross overutilization of the site as evidenced by the number and the magnitude of the variances required. The footprint of the proposed school building must be reduced. The third story must also be eliminated. A more closely conforming proposal shall be submitted.

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2 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 facilities of this size on non-conforming 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.

3 The applicant must comply with the conditions of the Rockland County Highway Department's letter of May 6, 2015.

4 The applicant must comply with the conditions of the Rockland County Health Department's letter of April 20, 2015.

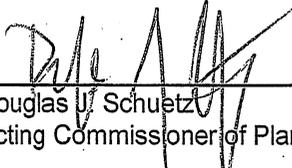
5 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of April 28, 2015.

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

7 Approximately 2,450 SF of the proposed 7,610 SF of recreational space is within the aforementioned sewer and drainage easement. The play areas must be relocated outside of the easement area. A variance will be needed for the required recreation area if it falls below 7,500 SF or 30 SF per student.

8 A turnaround area is not provided at the end of northern parking aisle. Given the proximity of these parking spaces to the play areas, adequate space must be provided for vehicles to maneuver without endangering the children. If additional parking spaces must be eliminated to accomplish this, the extent of the parking variance will increase.

9 The Town of Ramapo Building, Planning and Zoning Department's April 15, 2015 denial letter indicates that a side yard variance is required. This variance is not included in the bulk table or noted in the project narrative. It must be clarified if a side yard variance is needed. The notice for the public hearing will have to be reissued if it does not include all required variances.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Department of Highways  
Rockland Community College  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
Anthony R. Celentano P.L.S.  
New York State Department of State,  
Division of Code Enforcement and Administration  
Talmud Torah

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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.*

