



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

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June 10, 2015

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 49.10-1-14.1

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

**Map Date:** 4/29/2015

**Date Review Received:** 5/12/2015

**Item:** *YESHIVA HEICHAL HATORAH (R-2496A)*

Special permit and site plan application for a yeshiva and dormitory on 3.919 acres in an R-40 zoning district. The existing residential building will serve as a caretaker's residence.

South side of Viola Road, approximately 550 feet east of College Road, and immediately north of Rockland Community College and Pete Erickson County Park

**Reason for Referral:**

Viola Road (CR 74), College Road (CR 81), Rockland Community College, 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 The applicant must comply with the conditions of the Rockland County Highway Department's letter of April 13, 2015.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of May 22, 2015.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of June 4, 2015.
- 4 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- 5 A review must be completed by Rockland Community College, and the Rockland County Department of General Services for any impacts to the college, and any comments or concerns addressed.

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6 The proposed yeshiva building is now 50 feet from the rear property line and in compliance with the minimum rear setback requirement, though the required buffer is still deficient. The bulk table has not been updated to reflect this change. It still indicates that a variance is required for rear setback. A note must be added indicating that a waiver from the buffer requirement is being requested, and the bulk table corrected to reflect the larger, compliant rear setback.

7 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

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

9 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Monsey Fire Department to ensure that there is sufficient maneuverability on-site for emergency vehicles.

10 The parking requirement for schools of general and religious instruction is one space for every 8 students plus any additional parking as the Planning Board may require. If students drive, 1 space for every 2 students eligible to drive is required. The narrative indicates that students will not have any cars. However, parking must be available for when students are picked up or dropped off for the vacation periods throughout the year.

It is not clear as to what the requirements are for the proposed dormitory, as it is indicated in the Zoning Ordinance that the standards are "As determined by the Planning Board." The engineer has proposed a parking requirement of 1.5 spaces/1 employee or 23 spaces given that there will be 15 employees. Was this standard provided by the Planning Board? This must be clarified.

All parking standards and calculations for both uses, must be clearly provided on the site plan.

11 The applicant is requesting a waiver of the buffer requirement for the proposed development. As the site is adjacent to a Pete Erickson County Park and the Rockland Community College, it is important to provide the buffer area so as to protect the existing trees and vegetation on the adjacent properties. An undisturbed, 25 foot-wide buffer must be provided.

12 All parking stalls located at the end of a dead-end parking aisle must be provided with adequate backing and turnaround space. The required depth of the turnaround space for an aisle width of 25 feet or less is a minimum depth of six feet. The turnaround areas must be increased to provide this minimum distance.

13 The purpose of the driveway connected to the eastern portion of the proposed yeshiva is unclear. Is this a loading area? If so, it must be labeled, and turning movements provided illustrating that there is sufficient space on site for trucks to maneuver.

14 Additional evergreen landscaping must be provided along the southern property line to help buffer the proposed yeshiva and dormitory from the adjacent County park and Community College.

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15 Since the maximum development coverage is being exceeded by 100%, pervious pavers must be used for sidewalks, parking areas, and other paved surfaces. Use of these materials will reduce stormwater runoff from the site and reduce the percent of non-conformity for the development coverage.

16 As noted above, the yeshiva building is now 50 feet from the rear property line. This 25-foot change in location has resulted in a reduction in the number of parking spaces in the northwestern parking area. The bulk table does not indicate that the maximum development coverage has changed since the previous submission despite this reduction in impervious surface area. A development coverage calculation must be included on the layout plan. If the development coverage has changed in response to the proposed site plan changes, the bulk table must be updated.

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

18 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.

19 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 (January 2015) and local ordinances.

20 General Note #9 must be corrected to refer to General Municipal Law 239 "l & m" instead of "n," as "n" is only for subdivision applications.

21 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Division of Environmental Resources  
Rockland Community College  
Rockland County Department of General Services  
Monsey Fire District  
Civil Tec Engineering & Surveying PC  
New York State Department of State,  
Division of Code Enforcement and Administration  
Yeshiva Heichal Hatorah, Inc.

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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*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.*