



**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

ARLENE R. MILLER  
Deputy Commissioner

June 9, 2015

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 49.18-1-5

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

**Map Date:** 4/30/2015

**Date Review Received:** 5/11/2015

**Item:** *YESHIVAS NER DOVID (R-2497)*

Special permit and site plan application for the conversion of an existing single-family residence to a dormitory, and an addition to and conversion of a garage to a school. The .8353-acre site is located in an R-35 zoning district.

Northwest corner of Carlton Road and Kuperman Lane

**Reason for Referral:**

College Road (CR 81)

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:

***\*Disapprove***

Special permit uses are by definition subject to a higher standard of review. This proposal includes two special permit uses, a school and a dormitory, on an undersized parcel in a residential neighborhood. A variance of almost 55 percent is required for minimum lot area. The lot width is deficient by 34 percent. Many yard and setback variances are also necessary. A side setback variance of 79 percent is required; the total side setback is deficient by more than 55 percent; the front yard is 80 percent less than the minimum requirement. The minimum side setback requirement is 30 feet. An additional 25-foot buffer area is required for the dormitory. However, the dormitory is less than 25 feet from the western property line so the overall deficiency for the side setback and buffer area is almost 30 feet and more than 55 percent. The fact that the 25-foot buffer required for the dormitory and the other bulk standards cannot be achieved is an indication that this site is not appropriate for this use. This proposal must be scaled back to more closely conform to the R-35 bulk standards. The dormitory use must be eliminated.

We offer the following additional comments on the site plan.

**YESHIVAS NER DOVID (R-2497)**

- 1 The applicant must comply with the conditions of the Rockland County Highway Department's letter of April 8, 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 May 19, 2015.
- 4 The bulk table indicates that the minimum total side setback requirement is 10 feet. This is incorrect. The minimum standard is 100 feet. An additional variance is therefore required. The bulk table must be corrected.
- 5 The proposed parking spaces are eight-feet wide. Section 276-71.B. states that the minimum parking stall width shall be nine feet. A variance is therefore required and must be noted on the bulk table.
- 6 The project narrative indicates that the 6.1-foot side setback is measured from an existing shed. This shed is not illustrated on the site plan. Is the Project Engineer referring to the existing garage? This must be clarified.
- 7 The play area calculation specifies 80 students. The project narrative states that there will be 40 students. This is restated several times in the responses to comments received on an earlier version of this proposal. All application materials must be consistent. The total number of students must be clarified. A minimum of 30 SF of recreational area per student must be provided.
- 8 The proposed residential buildings 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 Hillcrest Fire Company No. 1 to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 10 Parking turnaround areas must be provided. It will be very difficult for vehicles parked in the two northern parking spaces to exit the site. Several turning maneuvers will be required or vehicles will have to reverse approximately 45 feet before they are able to turn in the southern parking area.
- 11 Vehicles parked in the two spaces just south of the proposed dormitory will not be able to exit if sanitation workers are emptying the garbage. The garbage enclosure must be relocated and easily accessible to sanitation workers. Parked vehicles must not block access.
- 12 Landscaping shall be provided along the entire length of the driveway to buffer the residential property to the west.
- 13 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 14 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.
- 15 General Note 9 must be corrected to reflect Section 239L & M of the General Municipal Law.

**YESHIVAS NER DOVID (R-2497)**

16 The variances required for this proposal 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  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Civil Tec Engineering & Surveying PC  
New York State Department of State,  
Division of Code Enforcement and Administration  
Hillcrest Fire Company No. 1  
Yeshivas Ner Dovid

Rockland County Planning Board Members

*\*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.*

