

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene Miller**  
*Deputy Commissioner*

March 23, 2016

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

**Tax Data:** 49.17-2-56

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

**Map Date:** 1/6/2016

**Date Review Received:** 2/18/2016

**Item:** *BNOS ON HIGHVIEW (R-2534A)*

Variances for lot area, front setback (Highview Road), front yard (Highview Road), rear setback, maximum development coverage, floor area ratio, parking in the front and side yards, and distance from egress to intersection, to allow the construction, maintenance and use of a three-story, 28,800 SF school of religious instruction on 1.15 acres in an R-35 zoning district. The applicant is also seeking a waiver of the buffer requirement from the Planning Board.

Northwest corner of Highview Road and Pine Road, opposite Dalewood Drive

**Reason for Referral:**

Highview Road (CR 64)

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 maximum development coverage is exceeded by 165% percent, and the floor area ratio is over by almost 93%. 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.

2 To decrease the magnitude of the development coverage variance, we recommend that the building footprint be reduced and that pervious pavers be used in the parking area. A smaller building footprint will also decrease the extent of the required yard and setback variances.

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- 3 An updated review of the January 6, 2016 site plan must be completed by the County of Rockland Department of Highways and all required permits obtained. In addition, the applicant must comply with the conditions of the Highway Department's letter of November 5, 2015.
- 4 The applicant must comply with the conditions of the Rockland County Health Department's letter of January 20, 2016.
- 5 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of January 26, 2016.
- 6 The proposed school building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 7 A review must be completed by the County of Rockland Office of Fire and Emergency Services and the Town Fire Inspector to ensure that there is sufficient maneuverability on-site for emergency vehicles. As required in Section 376-1216 A. (4), proper access for fire-fighting and emergency equipment and vehicles shall be provided.
- 8 The applicant must satisfactorily address the concerns raised in the Tallman Fire Department's letter of February 29, 2016.
- 9 The November 2, 2015 Town of Ramapo Building, Planning and Zoning denial memorandum does not indicate that a variance is required for parking in the side yard or for distance from egress to intersection. It also shows that a parking variance is required. That is no longer the case. All application materials must be consistent. The need for these variances must be clarified.

  
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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 Drainage Agency  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
New York State Department of State,  
Division of Code Enforcement & Administration  
Tallman Fire District  
Anthony R. Celentano P.E.

Ari Waldman

*\*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.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*

