



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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January 15, 2016

Ramapo Zoning Board of Appeals
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: 10/8/2015

Date Review Received: 12/16/2015

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

Variances for lot width, side setback, total side setback, street frontage, maximum development coverage, distance between driveway and buildings and buffer to allow the construction, maintenance and use of a yeshiva and dormitory on 3.919 acres in an R-40 zoning district. An 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 May 20, 2015.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of October 26, 2015.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of October 22, 2015.
- 4 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.

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5 A review must be completed by Rockland Community College, and the Rockland County Department of General Services, Division of Facilities Management for any impacts to the college, and any comments or concerns addressed.

6 The proposed yeshiva and dormitory 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, the Town Fire Inspector and the Monsey Fire Department to ensure that there is sufficient maneuverability on-site for emergency vehicles.

8 The parking requirement for schools of general and religious instruction in the R-40 zone is one space for every eight students plus any additional parking as the Planning Board may require. If students drive, one space for every two 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.

A parking requirement of 1.5 spaces per employee is indicated on the layout plan. This is the parking standard for schools (use group S-1) in the R-15, R-15A, R-15C and R-15 MR zones. Schools in the R-40 zoning district are subject to use group e-1 standards. The parking requirement must be corrected.

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." Was this standard provided by the Planning Board? This must be clarified.

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

9 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.

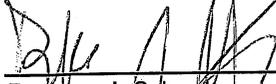
10 All parking stalls located at the end of a dead-end parking aisle must be provided with adequate backing and turnaround space. The required depth of the turnaround space for an aisle width of 25 feet or less is a minimum depth of six feet. While the aisle width is 26 feet, the turnaround space is approximately three feet, and is immediately adjacent to the garbage enclosure. The turnaround area must be increased to provide adequate space.

11 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 applicant is seeking an 85 percent increase over the maximum permitted development coverage. 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.

12 Since the maximum development coverage is being exceeded by 85 percent, 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.

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13 The layout plan includes two notations about a 3,625 SF recreation area. The notation immediately west of the caretaker's residence shall be removed since the recreation area is in the northwest corner of the site.



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 County Department of General Services
 - Division of Facilities Management
- Rockland Community College
- Rockland County Office of Fire and Emergency Services
- Monsey Fire District
- New York State Department of State,
 - Division of Code Enforcement & Administration
- Civil Tec Engineering & Surveying PC

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.*

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.

