

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 4, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.18-1-11

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

Map Date: 6/12/2017

Date Review Received: 7/11/2017

Item: **73 CARLTON ROAD (R-1228A)**

Site plan and special permit to operate a yeshiva with dormitories on a 3.52-acre site in the R-35 zoning district. Amendments to the site plan include: an addition of a porous paver driveway to access the existing paved tennis court; striping of the existing tennis court so that the requisite number of onsite parking spaces are provided; fire lane striping; and addition of a dumpster/recycle enclosure.

South side of Carlton Road, 280 feet east of College Road

Reason for Referral:

College Road (CR 81)

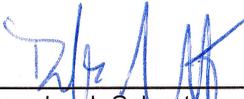
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.
- 2 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- 3 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 4 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

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- 5 The Town Planning Board must be satisfied that the yeshiva complies with all of the requirements of Section 376-1216 Schools of general and religious instruction for the special permit use. It does not appear that a 1,920 sq. ft. recreational area has been provided for the proposed student population as required under Section 376-1216A.(1).
- 6 The Town Planning Board must be satisfied that the yeshiva and dormitories comply with all of the requirements of Section 376-121 Dormitories for the special permit use. It is not clear if the dormitory must be a separate building, as cited in Section 376-121A.(1).
- 7 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 8 According to the Town Assessor, this site is actually two lots, as depicted on the site plan. The engineer has indicated that the two lots are planned to be merged. Once the lot line merger occurs, the applicant must ensure that the deed is filed with the County Clerk.



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Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Leonard Jackson Associates

**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.