



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 13, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.06-1-1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/25/2017

Date Review Received: 9/1/2017

Item: *CONGREGATION BETH DAVID - 50 MOUNTAIN AVENUE (R-1300C)*

An application for revisions to a site plan for a school of religious instruction, with an existing residential building to remain as a caretaker's residence, on 1.72 gross acres (1.70 net acres) in a R-25 zoning district. Revisions include the elimination of a driveway along College Road, alterations to the proposed addition to the caretaker's residence, the addition of a dumpster enclosure, and alterations to the circular entrance/exit on Mountain Avenue.

Northeastern corner of the intersection of College Road and Mountain Avenue.

Reason for Referral:

College Road (CR 81), Highview Avenue (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 The applicant must comply with all conditions of the Rockland County Highway Department's letter of September 20, 2017.
- 2 The applicant must comply with all conditions of the Rockland County Health Department's letter of September 20, 2017.
- 3 The applicant must comply with all conditions of the Rockland County Sewer District #1's letter of September 25, 2017.
- 4 The revised addition to the Caretaker's residence will require an additional variance. We request the opportunity to review any variances which may be necessary to implement the proposed site plan.

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- 5 A turn-around area must be provided at the northern end of the parking lot. The dumpster enclosure will have to be moved further back to do so.
- 6 Map note #10 must say "SUEZ", not "United Water." Map note #15 must list granted variances.
- 7 The revised entrance on Mountain Avenue does not provide adequate queuing space for multiple vehicles. Spillover of vehicles onto the county road will create a safety hazard and impede the orderly flow of traffic. The applicant must demonstrate that the number/length of vehicles utilizing the entrance at any given time will not exceed its capacity.
- 8 The parking calculations must include the caretaker's residence.
- 9 For safety purposes, the recreation area must be fenced. In addition, there must be a designated walkway between the building and the recreation area for use by the students.
- 10 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.
- 11 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 12 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override



Douglas J. Schuetz
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

Anthony R. Celentano P.E.

**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.*

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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.

