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 Town Board
237 Route 59
Suffern, NY 10901

Tax Data:

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: **Date Review Received:** 10/13/2017

Item: ***ZONING LAW AMENDMENT/TEMPORARY MODULAR UNITS FOR USE AS SCHOOL (R-2340B)***

Proposed local law amending the Zoning Law of the Town of Ramapo to remove authorization for the use of temporary modular units for use as a school, pending application and approval for a permanent school.

Throughout the Town of Ramapo

Reason for Referral:

State and County roads, parks, streams and facilities, and adjacent municipalities

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:

Approve

We concur with the Town Board's decision to disallow modular units to be used as schools on a temporary basis. The current situation at the Ateres Bais Yaakov Academy site on Summit Park Avenue is a clear indication of the problems that can arise when temporary modular units are permitted to be used as schools on active construction sites. The health, safety and welfare of the student body and school staff must the primary consideration for school administrators and municipal officials. Construction and childhood education are mutually exclusive activities that must not occur on the same site.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo
New York State Department of Transportation
Rockland County Department of Highways
Palisades Interstate Park Commission
Rockland County Division of Environmental Resources

ZONING LAW AMENDMENT/TEMPORARY MODULAR UNITS FOR USE AS SCHOOL (R-2340B)

Rockland County Drainage Agency
New York State Department of State
Rockland County Office of Fire and Emergency Services

Airmont, Chestnut Ridge, Hillburn, Kaser,
Clarkstown, Haverstraw, Orange County
Montebello, New Hempstead, New Square, Pomona,
Sloatsburg, Spring Valley, Suffern & Wesley Hills
Michael L. Klein, Esq., Town Attorney

**The proposed action is deemed to have no significant negative impact on nearby municipalities, County or State roads or facilities, County Parks or Drainage Systems or the surrounding Neighborhood Character and, therefore, the ACTION IS FOR LOCAL DETERMINATION. Approval does not necessarily mean we endorse this subject action as desirable from the viewpoint of your municipality.*

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.