

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 2, 2017

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

Tax Data: 49.14-1-52

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

Map Date: 6/18/2017

Date Review Received: 7/7/2017

Item: *TALMUD TORAH ON COLLEGE (R-1015J)*

Variations for minimum lot area and parking in the front yard, to allow the construction, maintenance and use of a three-story school with a 9,200 SF building footprint on .989 gross acres (.954 net acres) in an R-40 zoning district. The ZBA previously granted variances for lot area, lot width, side setback, total side setback, rear setback, maximum development coverage, floor area ratio and parking.
East side of College Road, approximately 145 feet south of Smolley Drive

Reason for Referral:

College Road (CR 81), Rockland Community College

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 This department has reiterated the concerns below in seven GML reviews dating back to May 13, 2015, and considers them to still be valid. The subject site is non-conforming in terms of lot area and lot width. A variance of more than 48 percent is required for minimum lot area now that the 100-year floodplain and designated street line deductions have been calculated. In addition, the site is compromised by a 30-foot wide sewer and drainage easement that runs across the rear of the parcel. The applicant is proposing a school building that is only 4,400 SF less than the maximum 32,000 SF permitted on a conforming 80,000 SF lot. A floor area ratio variance of almost 88 percent is required. The proposed on-site parking is deficient by 41 percent. The maximum permitted development coverage is exceeded by 225 percent. Several setback variances are also required. This proposal will result in a gross overutilization of the site as evidenced by the number and the magnitude of the variances required. The footprint of the proposed school building must be reduced. The third story must also be eliminated. A more closely conforming proposal shall be submitted that also complies with the special permit standards outlined in Sections 376-120 and 376-1216.

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2 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. As noted above, the applicant was granted a 225 percent increase over the maximum permitted development coverage and an 87.5 percent increase in the maximum allowable floor area ratio, as well as yard and setback variances. The ability of the existing infrastructure to accommodate oversized educational facilities 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. We continue to recommend that the footprint of the proposed school building be reduced and the third story be eliminated.

3 The current site plan depicts a three-story school building with an 80'x115' building footprint. Previous versions of the site plan have shown a two-story school building with a basement. The building height is always specified as less than 35 feet. The number of stories must be clarified, and the actual building height specified.

4 An updated review of the June 18, 2017 site plan must be completed by the Rockland County Highway Department and all required permits obtained. In addition, the applicant must comply with the conditions of the Highway Department's letters of August 15, 2016, December 2, 2016 and April 19, 2017.

5 An updated review of the June 18, 2017 site plan must be completed by the Rockland County Health Department and all required permits obtained. The applicant must comply with the conditions of the Rockland County Health Department's letter of April 13, 2017.

6 An updated review of the June 18, 2017 site plan must be completed by the Rockland County Sewer District #1 and all required permits obtained. The applicant must comply with the conditions of the Sewer District's letters of April 14, 2017 and April 26, 2017.

7 The NYS Department of State has determined that the Town is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Town's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the proposed school building must be held to the requisite minimum standards and comply with all requirements of this code.

8 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector or the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles. An achievable fire truck turning radius must be demonstrated on the site plan.

9 This department is not in favor of granting parking variances on state or county roads. The applicant is now seeking close to a 41 percent reduction in the parking requirement since the four parking spaces immediately north of the building are no longer proposed. Insufficient on-site parking may affect the safe and efficient flow of traffic along College Road. While students may not drive to school, a student body of 250 will require a sizeable staff. Sufficient parking must be available. Under no circumstances is parking permitted along the County road. The adequacy of the proposed parking must be closely monitored by the Town. Off-site parking arrangements may be required for special events such as parent-teacher conferences and assemblies. Written agreements must be in place with neighboring property owners for off-site parking arrangements.

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- 10 The Floodplain Administrator for the Town of Ramapo shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 11 Several of the provided measurements on the bulk table have not changed despite the elimination of the single-family residence. The front yard, front setback, development coverage and floor area ratio are all subject to change as a result of removing this structure. The bulk table must be updated to reflect any changes related to this site plan revision.
- 12 Pervious pavers shall be installed where appropriate on the site to reduce the extent of the variance required for maximum development coverage. This must include parking areas, as well as sidewalks.
- 13 A designated bus drop-off and pick-up area must be indicated on the site plan and in the field to ensure compliance with Section 376-126.A.(2).
- 14 The 100-year floodplain must be clearly indicated on the map.
- 15 As noted in our previous GML reviews of earlier versions of this proposal, the October 26, 2016 project narrative references a revised traffic study and illustrated bus turning movements. This department is not in receipt of a traffic study. The drawings submitted do not include bus turning movements. The traffic study and appropriate maps must be submitted for our review.
- 16 As noted in our previous GML reviews of earlier versions of this proposal, the Town's Planning Consultant's November 1, 2016 memorandum references a Fire Access Narrative dated 8/22/16 and prepared by Harry Baker & Associates and a series of turning track plans prepared by Maser Consulting and dated 10/20/16. This department is not in receipt of these materials. The Fire Access Narrative and the turning track plans must be submitted for our review.
- 17 Map Note 4 still states that a caretaker's residence is proposed. This must be corrected.
- 18 Water will be supplied by Suez, so Map Note 10 must be changed.
- 19 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.
- 20 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

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Rockland Community College
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Anthony R. Celentano P.L.S.

Talmud Torah on College

**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.