

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 18, 2018

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: 5/17/2018

Date Review Received: 5/18/2018

Item: **CONGREGATION DIVREI CHAIM/73 CARLTON ROAD (R-1228B)**

Special permit and site plan applications to allow the construction of a 30,780 SF building containing a yeshiva with dormitories on 3.52 acres in the R-35 zoning district.

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 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.
- 2 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.
- 3 An updated review of the May 17, 2018 site plan must be completed by the Rockland County Highway Department, and any required permits obtained. In addition, the applicant must comply with the conditions of the Highway Department's letter of April 4, 2018.
- 4 The applicant must comply with the conditions of the Rockland County Health Department's letters of May 25, 2018 and May 30, 2018.
- 5 An updated review of the May 17, 2018 site plan must be completed by the Rockland County Sewer District #1, and all required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District's letter of April 4, 2018.

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6 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 yeshiva and dormitory must be held to the requisite minimum standards and comply with all requirements of this code.

7 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. As proposed, emergency circulation around the building is not feasible.

8 The proposed handicapped parking space must be relocated so that it is proximate to one of the building entrances shown on the site plan.

9 An earlier version of the site plan did not include a turnaround area at the southern end of the parking lot. On the current map, the 26-foot wide driveway extends more than 60 feet beyond the access aisle for the handicapped parking space. This greatly exceeds the area required for a turnaround. An explanation must be provided as to the intended use of this 1,600 SF area.

10 The geometry of the circular driveway is very tight and does not allow for stacking of vehicles dropping off passengers. It must be reconfigured to facilitate a safer flow of traffic on the site.

11 The proposed 23,300 SF soccer field and the 4,700 SF basketball court exceed the 3,600 SF recreational space requirement for 120 students. However, it is unclear how the student body will increase if another school building is constructed on the west side of the site. The future building area and the basketball court coincide so the current recreational space will decrease. The site plan also includes a note about a future residence. If the western half of the site is developed as a residential lot, all of the recreational space will be lost. The project narrative must address how future development plans will affect the provision of recreational space for student body.

12 Any future development of the western portion of the site is subject to a review by this department as required by the New York State General Municipal Law.

13 Further development of the site will likely result in a development coverage of more than .20, and the need for a variance. Pervious pavers or porous concrete shall be considered to reduce the extent of impervious surfaces on the site.

14 The dumpster area must be relocated to a more accessible space. The proposed yeshiva and dormitories will likely generate substantial trash. Sanitation vehicles will not easily navigate to the southern end of the parking lot.

15 School assemblies and special events are not addressed in the application materials. Fifteen parking spaces will be insufficient for such gatherings. Off-site parking arrangements must be in place for events that will require more parking than is provided. Alternatively, the "future parking area" can be developed with grasscrete to minimize the impervious surface while providing overflow parking.

16 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

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- 17 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 18 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 19 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 20 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- 21 The engineer's stamp is provided on Sheets 3, 4 and 5 but not Sheets 1 and 2. All drawings must be stamped or sealed by the engineer.
- 22 Map Note 10 must be corrected to indicate that SUEZ is the water supplier.
- 23 Map Note 15 shall be eliminated as no variances are required for the current proposal.
- 24 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.
- 25 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 Michael B. Specht, Ramapo
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Anthony R. Celentano P.L.S.

Congregation Divrei Chaim

Mona Montal, Chief of Staff

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.