

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 19, 2019

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

Tax Data: 49.17-2-56

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

Map Date: 10/28/2018

Date Review Received: 6/28/2019

Item: *CONGREGATION DIVREI CHAIM/86 HIGHVIEW ROAD (R-2534E)*

Variations to permit the construction, maintenance, and use of a three-story school of religious instruction located on 1.15 acres in the R-35 zoning district. The variations requested include lot area, front setback (Highview Road), front yard (Highview Road), rear setback, development coverage, floor area ratio, and parking in the front and side yards.

Northwest corner of Highview Road and Pine Road, opposite Dalewood Drive

Reason for Referral:

Highview Road (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***

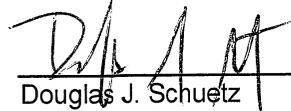
1 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The subject site contains only 62% of the required minimum lot area. The maximum development coverage is exceeded by 145%, and the floor area ratio is over by almost 73%. Also, the front yard, front setback, and rear setback are all deficient by 40%. The ability of the existing infrastructure to accommodate facilities of this size 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 siting of the proposed school at 86 Highview Road has drawn criticism from the Tallman Fire District, elected officials, adjacent municipalities and residents of the surrounding neighborhood. This level of controversy warrants a thorough analysis of the effect of the school proposal. The Town must consider the cumulative and regional impacts of permitting such development. The proposal must be scaled back to more closely conform to the R-35 bulk standards for this use.

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- 2 Our department previously reviewed an application for this site on October 4, 2018. Since then, the development coverage ratio has been decreased from 53% to 49% and the floor area ratio from 77% to 69%. However, as mentioned above, these are still too high. To decrease the magnitude of the development coverage variance, we recommend that the building footprint be reduced and that pervious pavers be used in the parking area. A smaller building footprint will also reduce the floor area ratio, and decrease the extent of the required yard and setback variances.
- 3 An updated review of the October 28, 2018 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 letter of December 7, 2017.
- 4 An updated review of the October 28, 2018 site plan must be completed by the Rockland County Health Department and all required permits obtained. In addition, the applicant must comply with the conditions of the Health Department's letter of January 11, 2018.
- 5 An updated review of the October 28, 2018 site plan must be completed by the Rockland County Sewer District No. 1 and all required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District No. 1's letter of October 11, 2018.
- 6 The proposed school building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 7 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Town of Ramapo Fire Inspector to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 8 An updated review of the October 28, 2018 site plan must be completed by the Tallman Fire Department. In addition, the applicant must satisfactorily address the concerns raised in the Tallman Fire Department's letter of November 27, 2017.
- 9 All proposed building entrances, exterior stairways, window wells and ramps must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.
- 10 In one area of the site plan, it indicates the length of the proposed building is 115'. However, in the description of the building on the plans it states that the building will be 120'x80'. This must be updated to reflect the reduction in the building's size to 115' to keep all materials consistent and accurate.
- 11 Map Note #10 indicates the property receives water from United Water. This must be corrected to Suez.
- 12 The play area must be designated on the plans to ensure it adequately serves the needs of the school and is in a safe location.
- 13 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.

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14 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 Office of Fire and Emergency Services
Rockland County Sewer District #1
New York State Department of State
Tallman Fire District

Anthony R. Celentano P.E.

Congregation Devrei 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. 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.

