



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

December 22, 2016

Kaser Zoning Board of Appeals  
P.O. Box 391  
Monsey, NY 10952

**Tax Data:** 56.07-1-2

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

**Map Date:** 9/4/2016

**Date Review Received:** 11/18/2016

**Item:** *VIZNITZ SCHOOL/230 MAPLE AVENUE (K-59A)*

Variances for front setback, front yard, maximum building height, maximum development coverage and floor area ratio to permit the construction, maintenance and use of a 54,516 SF, three-story addition to an existing two-story school building on 5.402 acres in an R-2 zoning district.

Northeast corner of Maple Avenue and Route 306, and west side of Phyllis Terrace

**Reason for Referral:**

NYS Route 306, Town of Ramapo

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:

***\*Disapprove***

The proposed-three story addition to the current two-story building will increase the extent of the existing non-conformities. The structure will require a variance of more than 71 percent for building height. The overall development coverage is 80 percent or 60 percent higher than the permitted maximum. The maximum allowable floor area ratio will be exceeded by 20 percent. Yard and setback variances are also required. A parking calculation is not provided on the bulk table and no parking spaces are illustrated on the site plan so it is not possible to determine if the on-site parking is sufficient. The proposed addition will result in a gross overutilization of the site as evidenced by the number and magnitude of the variances required. It must be scaled back to more closely comply with the applicable bulk requirements, as well as the special permit standards. Height and development coverage variances shall not be permitted.

The following comments address our additional concerns about the required variances.

## **VIZNITZ SCHOOL/230 MAPLE AVENUE (K-59A)**

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. As noted above, the applicant is seeking significant variances for height, development coverage and floor area ratio. The ability of the existing infrastructure to accommodate oversized facilities 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 Village must consider the cumulative and regional impacts of permitting such development. The building footprint and height of the proposed addition must be reduced.

2 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Route 306 immediately west of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

3 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and all required permits obtained.

4 The proposed addition and the existing school building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

5 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Kaser 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.

6 The applicant must comply with the conditions of the Rockland County Health Department's letter of November 22, 2016.

7 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of December 2, 2016.

8 Additional information must be provided about the school in the project narrative and application materials. This shall include the size of the student body, the age of the students, the number of teachers and other staff, the school hours, bus drop-off and pick-up times, and recreational space requirements.

**VIZNITZ SCHOOL/230 MAPLE AVENUE (K-59A)**

9 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect any proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces for this purpose. This is especially important since it is unclear if sufficient parking is proposed.

10 The location of the dumpster enclosures must be illustrated on the site plan. Access to the dumpsters must be unimpeded, and it must be demonstrated that their location will not impact yard requirements and parking maneuverability on the site.

11 The site plan must include a vicinity map with a north arrow and a scale.

12 The site plan shall contain map notes that list all appropriate information, including the district details.

13 We believe the extent of the building height variance is understated as the proposed addition will result in a five-story building. Clarification must be provided.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Bernard Rosenfeld, Kaser  
New York State Department of Transportation  
Rockland County Department of Health  
Rockland County Drainage Agency  
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.E.  
Town of Ramapo

Mendy Hager

Rockland County Planning Board Members

*\*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.*