



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 Planning Board
P.O. Box 391
Monsey, NY 10952

Tax Data: 49.15-1-3.1

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

Map Date: 11/15/2016

Date Review Received: 11/18/2016

Item: *YESHIVATH VIZNITZ SCHOOL ADDITION/4 CREST COURT (K-18B)*

Special permit and site plan applications for a 58,600 SF, four-story addition to an existing school building on 7.12 acres in an R-2 zoning district. The proposed addition will require numerous bulk variances.

East side of Crest Court, approximately 150 feet north of Calvert Drive, and south side of Butterman Place

Reason for Referral:

Town of Ramapo, NYS Route 306

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-four story addition 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 will increase to 65 percent or 30 percent higher than the permitted maximum. The maximum allowable floor area ratio will be exceeded by 40 percent. Yard and setback variances are also required. A parking calculation is not provided on the site plan so it is not possible to determine if the 35 parking spaces proposed along the northern property line are sufficient. This addition will result in a gross overutilization of the site as evidenced by the number and magnitude of the variances required. The proposed addition must be scaled back to more closely comply with the applicable bulk requirements, as well as the special permit standards. A height variance shall not be permitted.

The following comments address our additional concerns about the special permit and site plan applications.

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- 1 The Village must be satisfied that the expanded school complies with the special permit standards outlined in Article X. We believe this proposal is deficient in meeting Section 1006.A., B., C. and D. These deficiencies must be addressed by reducing the building footprint and height of the addition.
- 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 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.
- 3 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern and eastern property lines 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.
- 4 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.
- 5 The proposed addition and the existing school building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 6 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.
- 7 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
- 8 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

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9 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

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

11 A review must be completed by the Rockland County Sewer District #1 and all required permits obtained.

12 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.

13 The bus drop-off/pick-up area must be clearly labeled on the site plan, as well as the direction of traffic along the interior road system.

14 The existing parking spaces on the driveway and macadam areas on the east side of the property must be clearly delineated on the site plan. A parking calculation must be provided so it can be determined if the overall, on-site parking requirement is achieved.

15 There is paved area along the western boundary of the property. This area can be accessed from Crest Court via two driveways. The northern driveway currently connects to a macadam area on the north side of the site. Thirty-five parking spaces are now proposed in this area. The building addition will eliminate this connection as it is proposed over a portion of the macadam drive. It is unclear if drivers will be able to access the parking spaces or the macadam drive along the northern property line from Crest Court once the addition is constructed. This must be clarified. If the macadam drive is to be re-routed, it must be clearly delineated on the site plan.

16 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.

17 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.

18 Street view photography shows a gate across the Butterman Place site access. This feature is not indicated on the site plan. Is the Butterman Place driveway to be used for emergency access only? Given the dense residential development along this street and the large number of pedestrians navigating the local road system, this must be clarified.

19 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

20 A landscaping plan that meets all Village requirements shall be provided.

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- 21 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 22 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.
- 23 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.
- 24 The zoning designation for this property must be clarified. The bulk table indicates PD, as do this department's records. The GML referral form and application forms specify R-2 zoning. All application materials must be consistent.
- 25 The square footage of the proposed addition must be clarified. It is listed as 58,600 SF on the Building Permit Application and 59,110 SF on the Planning/Zoning Board application.
- 26 The site plan must include a vicinity map with a north arrow and a scale.
- 27 The site plan shall contain map notes that list all appropriate information, including the district details.



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 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.