



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: 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-18C)*

Variations for front setback, front yard, side setback, side yard, maximum building height, maximum development coverage and floor area ratio to permit the construction, maintenance and use of a 58,600 SF, four-story addition to an existing school building on 7.12 acres in an R-2 zoning district.

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 required variances.

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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 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.

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

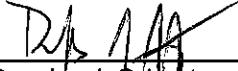
6 The applicant must comply with the conditions of the Rockland County Health Department's letter of November 22, 2016.

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

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.

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- 9 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.
- 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 bulk table and the project narrative indicate that a courtyard variance is required. This variance is not included on the GML referral form, the building inspector's denial letter or the Application to the Planning/Zoning Board. All application materials must be consistent. The public hearing notice will have to be reissued if it did not include all required variances.
- 12 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.
- 13 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.
- 14 The site plan must include a vicinity map with a north arrow and a scale.
- 15 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 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.

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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.