



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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

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

February 27, 2018

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

**Tax Data:** 56.07-1-8.1

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

**Map Date:** 1/15/2018

**Date Review Received:** 1/17/2018

**Item:** 15 ELYON ROAD (K-11K)

Variances for front setback, front yard and more than one principal building on a site to permit the conversion of two temporary modular buildings to permanent classroom space, and the installation of a temporary modular building for accessory school use for a period of two years. The 5.434-acre site is in a PD zoning district.

South side of Maple Avenue, east and north sides of Elyon Road and west side of Route 306

### 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:

### ***\*Recommend the following modifications***

1 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along West Maple Avenue, 50 feet north of the site, and along the southern boundary 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

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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.

- 2 A review must be completed by the New York State Department of Transportation, and all required permits obtained.
- 3 The applicant must comply with the conditions of the Rockland County Health Department's letter of January 30, 2018.
- 4 A review must be completed by the Rockland County Sewer District # 1, and all required permits obtained.
- 5 The modular buildings 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 proposed temporary modular structure extends beyond the property line. Given the overall size of the parcel, the structure must be relocated to be entirely on the site, and in closer conformance to the front yard and setback standards.
- 8 The use of each building shown on the site plan must be specified. It is unclear whether they all serve an educational purpose, or if there are incompatible uses on the property. This must be clarified. The property must be further subdivided if there are non-school uses on the parcel.
- 9 Aerial photography available to this department does not show designated parking spaces along the northeastern side of the brick building. On-site vegetation prevents a view of the area where spaces 9 through 20 are illustrated on the site plan. Are the 20 spaces shown on the map part of the site plan revision? An additional 18 parking spaces are shown on Lot 56.07-1-8.24, a .13-acre Village-owned property surrounded on three sides by the subject site. A turnaround area is not provided. Will these spaces serve the school? If so, this area must be included as part of the site plan application, and easements must be in place for the parking use. These issues must be clarified and addressed.
- 10 A parking calculation must be indicated on the site plan for all uses so we can evaluate whether the minimum on-site parking is being provided. The aerial photography noted above shows 15 vehicles parked in the cul-de-sac. A school bus is parked in the cul-de-sac in available street view photography. This raises concerns about the adequacy of the on-site parking, as well as emergency access. The response time of fire trucks and other emergency services will be hampered by parked vehicles that limit maneuverability in the cul-de-sac.
- 11 All parking, both existing and proposed, must be shown on the site plan. There appears to be a parking area near the southwestern-most building, as well as scattered parking throughout the site.
- 12 While the bulk table does not indicate that variances are required for development coverage or floor area ratio, it also does not include calculations for these standards. Since it is unclear if all impervious surfaces are shown on the site plan, if they were included in the development coverage ratio, or which buildings comprise the floor area ratio, these calculations must be provided.

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13 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 ability of the existing infrastructure to accommodate large educational 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.

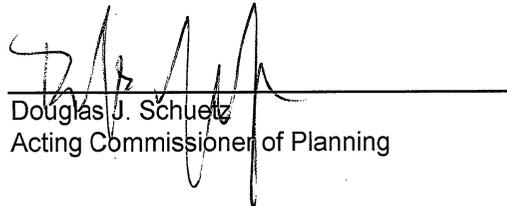
14 The site plan shall contain map notes that list all appropriate information, including the district details.

15 The site plan must include a map note that addresses the two-year time frame for the temporary modular structure.

16 The subject parcel is Lot 1 of a previously approved 24-lot subdivision; the Village-owned lot is Lot 24. These lot numbers are still indicated and circled on the site plan. They must be eliminated.

17 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.

18 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: 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.L.S.  
Town of Ramapo

Israel Neiman

*\*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.*

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*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.*