Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 14, 2019

Kaser Planning Board
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: 7/10/2019 **Date Review Received:** 7/26/2019

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

Site plan for the construction of a new study hall located on 5.434 acres in the PD zoning district. A variance for more than one principal building on site is also requested.
South side of Maple Avenue, east and north sides of Elyon Road and west side of NYS 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 site plan provided with this application, dated July 10, 2019 (revised), is deficient in several ways. The site plan does not clearly indicate which building will be the new study hall. This information must be included in order to properly assess the site. Though the units exist, the temporary modular building in the southwest and the modular building in the east are still labeled as "proposed". In addition, the bulk table indicates variances are needed for front setback and front yard. These have previously been reviewed by us on February 27, 2018. It must be clarified as to why these variances are still needed. An updated site plan that shows more detailed information for these variances, whether they have been granted, the date of the Zoning Board of Appeals decision, the indication that these modular buildings exist, and the designation as to which building will be the study hall must be provided.

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2 As per the Village Zoning Code, Section 702. states "The distance between two (2) principal buildings on the same lot shall be no less than the height of the taller building" and "The distance between a principal building and an accessory building shall be no less than the height of the accessory building but in no event less than fifteen (15) feet." The proposed building is only 10 feet from the principal building to its northwest and 5.20 feet from the one to the southeast. This is very dangerous for fire fighters in the event of a fire or other emergency. Since there is room on the site for the building to be in a different location, the Village must require the study hall to be placed in a location where it can comply with the bulk requirements. The heights of these buildings must be confirmed, and a variance for the distance between them may be required.

3 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 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 must be completed by the New York State Department of Transportation, and all required permits obtained.

5 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

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

7 The new building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8 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.

9 The temporary modular structure in the southwest 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.

10 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, such as the storage of trailers on the site.

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11 During a recent site visit, no designated parking spaces were seen throughout the site. 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. However, the playground extends into this area, and spaces 24 through 29 are fenced off and inaccessible to cars. The relationship between the playground and the parking area must be provided and clarified. A turnaround area is also 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.

12 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 site visit noted above shows seven cars parked in the cul-de-sac directly south of the site. This raises concerns about the adequacy of the on-site parking, as well as emergency access and safety issues. The response time of fire trucks and other emergency services will be hampered by parked vehicles that limit maneuverability in the cul-de-sac, and visibility will be hampered.

13 All parking, both existing and proposed, must be shown on the site plan. As mentioned above, the recent site visit noted only five cars in the area designated for parking spots 1 through 8, with no room for any more cars. In addition, four vehicles were parked in the fire zone to the west of the 4-story brick building and another six vehicles were parked in the fire zone of the modular building directly north of this building. An additional 18 vehicles were parked throughout the site, none of which were in locations indicated as parking on the site plan. This again raises concerns about emergency access and safety issues. The response time of fire trucks and other emergency services will be hampered by parked vehicles that limit maneuverability and visibility throughout the site.

14 An area must be designated for school bus parking. Aerial imagery available to this department shows school buses are parked in multiple locations on and off of the site.

15 Walkways and crosswalks must be provided between buildings, playgrounds and parking areas to ensure pedestrian safety on the site.

16 The on-site circulation system must be clearly indicated on the site plan with all driveways and the flow of traffic shown. Bus drop-off and pick-up areas must be illustrated.

17 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.

18 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.

19 A full set of site plan drawings must be submitted for our review including grading, drainage, lighting, and landscaping plans.

20 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. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by teachers and visitors to the Yeshiva.

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21 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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

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 Standards for Urban Erosion and Sediment Control.

23 There shall be no net increase in the peak rate of discharge from the site at all design points.

24 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.

25 The site plan shall contain map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of the importance of this information.

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

27 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.

28 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

29 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.

30 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 Allie Pinkasovits, Kaser
New York State Department of Transportation
Rockland County Department of Health
New York State Department of State
Monsey Fire District
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1

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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.

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.