

**DEPARTMENT OF PLANNING**

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

**Arlene Miller**  
*Deputy Commissioner*

July 1, 2020

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:** 12/2/2014

**Date Review Received:** 6/12/2020

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

Variations for front setback, front yard, side setback, building height, development coverage and floor area ratio to allow the construction of a 75,000 SF, four-story with basement 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***

1 The proposed four-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 86 percent or 72 percent higher than the permitted maximum. The maximum allowable floor area ratio will be exceeded by 38 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.

2 The current submission is more non-compliant than the September 4, 2016 site plan reviewed by this department on December 22, 2016. An explanation must be provided for the subject GML referral of a 2014 site plan that requires variances of a greater magnitude.

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3 We believe a special permit is required for the proposed expansion. 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.

4 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.

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

5 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.

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

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

8 An aerial apparatus road is required since the proposed addition is greater than 30 feet to the eaves. This road must be shown on the site plan.

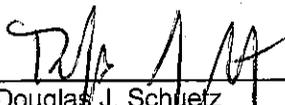
9 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Kaser Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

10 A review must be completed by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

11 An updated review of the current proposal must be completed by the Rockland County Sewer District #1. In addition, the applicant must comply with the conditions of the Sewer District's letter of December 2, 2016.

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- 12 A project narrative must be provided that contains additional information about the expanded school. 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 A parking calculation must be provided on the site plan confirming the minimum parking spaces required. Based on a total floor area of 162,000 SF, we believe at least 540 parking spaces are needed. However, without knowing the seating capacity or the number of students, it is not possible to know which requirement prevails. The individual parking spaces must be illustrated on the site plan as well.
- 15 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. 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. In addition, this will help to protect any proposed landscaping from damage due to the weight of the snow and salt intrusion.
- 16 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.
- 17 It is unclear whether a minimum recreation area is required. This must be clarified. The bulk table shall include any mandated recreation space standard. A designated recreation area must be provided for the students, and indicated on the site plan.
- 18 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 19 The GML referral form and the Building Inspector's June 10, 2020 denial letter note that a courtyard variance is required. This variance is not indicated in the bulk table or application form. All application materials must be consistent. If the public hearing notice did not include all required variances, it must be reissued.
- 20 We believe a special permit is required for the proposed expansion. This must be confirmed. If required, the special permit application shall be submitted for our review as mandated by the NYS General Municipal Law.
- 21 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.
- 22 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Allie Pinkasovits, Kaser  
New York State Department of Transportation

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New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
Rockland County Department of Health  
Rockland County Sewer District #1  
  
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.*