

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 28, 2016

New Hempstead Planning Board
108 Old Schoolhouse Road
New City, NY 10956

Tax Data: 42.06-1-1.5 42.06-1-1.4 42.06-1-1.3 42.06-1-1.2

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

Map Date: 12/24/2015

Date Review Received: 2/26/2016

Item: *ATERES BAIS YAAKOV (NH-69P)*

Site plan for a two-story, 47,149 SF religious school with a basement on 5.05 gross acres (3.91 net acres) in a 1R-50 zoning district.

East side of Summit Park Road, 30 feet south of David Drive

Reason for Referral:

Dr. Robert L. Yeager Health Complex, Federal Wetlands

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***

Based on the narrative summary submitted with this application, it is our understanding that the revised site plan was designed in conjunction with the Village's Community Development Committee. The proposed school building has been shifted from the south side of the site to the east side. The parking area is now shown on the south side of the site. The magnitude of some variances has changed as a result of these site plan revisions and amendments to the Zoning Code. Most notably, the minimum lot area requirement for schools has increased from five acres to ten acres resulting in the need for a variance of more than 60 percent. These changes will warrant a new application to the Zoning Board of Appeals. It is unclear if another special permit application is required.

We offer the following recommendations on the revised site plan.

1 A review must be completed by the Rockland County Department of General Services, Division of Facilities Management, and any raised comments or concerns addressed.

ATERES BAIS YAAKOV (NH-69P)

- 2 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 3 The applicant must comply with the conditions of the Rockland County Health Department's letter of March 1, 2016.
- 4 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 5 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.
- 6 The proposed school building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 7 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector and the Hillcrest Fire Department to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 8 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.
- 9 The applicant must comply with the conditions of the Rockland County Drainage Agency's letter of March 24, 2016.
- 10 The three parcels and the undedicated right-of-way (shown as Lot 42.06-1-1.5 on the Rockland County Tax Maps) must be legally consolidated into one parcel, so that the building does not straddle multiple properties, especially since they are in different ownership. This may need to be done as a re-subdivision or a lot line waiver.
- 11 The original subdivision had two environmentally sensitive areas identified as conservation easements, which were to be left undisturbed. These two conservation easements are now both shown to have construction and extensive regrading done, which will undermine the intent of these two areas. The Village must address this issue. In addition, other undisturbed areas to the north should be identified, and preserved as conservation easements to maintain the integrity of these areas.
- 12 The clearing limit lines must also be delineated in the field, prior to any grading or construction on site, to avoid any additional encroachments into the wetlands area or onto the adjacent residential properties.
- 13 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line.
- 14 The Layout Plan (Drawing Number 2) depicts an identification sign on the south side of the southern driveway. A notation indicates that a detail is provided. A page reference shall be provided as the identification sign detail is not included.

ATERES BAIS YAAKOV (NH-69P)

- 15 All proposed signage shall conform to the municipality's sign standards.
- 16 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 17 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.
- 18 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.
- 19 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.
- 20 If another special permit application is required for this proposal, it is also subject to a review by this department as mandated by the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Fred Brinn, New Hempstead
Rockland County Department of General Services
Division of Facilities Management
United States Army Corps of Engineers
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Rockland County Drainage Agency
New York State Department of State,
Division of Code Enforcement & Administration

Leonard Jackson Associates

Rabbi Aaron Fink

**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.

