

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 23, 2016

New Hempstead Zoning Board of Appeals
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: 4/7/2016

Date Review Received: 4/12/2016

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

Variations for lot area, front yard, floor area ratio, impervious coverage ratio and parking to permit the construction, maintenance and use of 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. The applicant is also seeking a waiver of the buffer requirement from the Planning Board. A special permit is required for this use.
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.

We offer the following recommendations on the ZBA application.

ATERES BAIS YAAKOV (NH-69Q)

- 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. The applicant is seeking a lot area variance of 61 percent. The maximum permitted floor area ratio is exceeded by 180 percent and a 90.5 percent variance is required for the impervious coverage ratio. Only 20 percent of the required on-site parking is provided. The ability of the existing infrastructure to accommodate facilities of this size on undersized parcels 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. While a smaller building footprint will reduce the extent of the non-conformities, a larger assemblage of land is required to develop a school that more closely complies with the 1R-50 bulk standards.
- 2 A review must be completed by the Rockland County Department of General Services, Division of Facilities Management, and any raised comments or concerns addressed.
- 3 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.
- 4 The applicant must comply with the conditions of the Rockland County Health Department's letter of March 1, 2016.
- 5 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of April 22, 2016.
- 6 The applicant must comply with the conditions of the Rockland County Drainage Agency's letter of March 24, 2016.
- 7 The proposed school 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 County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector or the Hillcrest Fire Department to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 9 The Layout Plan submitted with this application was last revised on April 7, 2016; the GML referral form specifies a map date of December 24, 2015. All application materials must be consistent.
- 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 GML referral form does not include Lot 42.06-1-1.5. All application materials must be consistent.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Fred Brinn, New Hempstead
Rockland County Department of General Services,
Rockland County Sewer District #1

ATERES BAIS YAAKOV (NH-69Q)

Division of Facilities Management
Rockland County Office of Fire and Emergency Services
Rockland County Department of Health
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Drainage Agency
Hillcrest Fire District
United States Army Corps of Engineers.
Leonard Jackson Associates

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.

