

ATERES BAIS YAAKOV ACADEMY OF ROCKLAND (NH-69T)

3 As noted above, the Rockland County Department of Planning has not received official notification of the Village Board of New Hempstead's actions or overrides with regard to our March 13, 2017 review. As required under Section 239-m 6. of the State General Municipal Law, within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. 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. The official record stating the reason for the municipality's override must be provided.

4 The project narrative indicates that all required approvals have been obtained for the permanent school. This must be confirmed by the Village Board.

5 The applicant must comply with the conditions of the Rockland County Health Department's letter of March 21, 2017.

6 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of March 10, 2017.

7 The proposed interim 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 Rockland County Office of Fire and Emergency Services, the Village of New Hempstead Fire Inspector, or the Moleston/Hillcrest Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

9 We note that the narrative addresses student drivers in Section 6.9.4.1.(4) but not school events. It must be clearly stated that no school events, such as parent-teacher conferences or assemblies, will be permitted in the interim school building.

10 Section 6.9.4.1. incorrectly states that an interim school building use permit shall be considered a Type II action under the State Environmental Review Act (SEQRA). As noted in our review of the proposed text amendment, this is accurate if the total floor area is less than 4,000 SF. If the combined floor area of several trailers exceeds 4,000 SF, it must be classified as an Unlisted Action. The subject application is for a 14,700 SF modular structure. As such, it is an unlisted action. The narrative must be revised to reflect the correct action type under SEQRA.

11 The Short Environmental Assessment Form indicates that the total acreage of the site of the proposed action is 3.91 acres. This is the net lot area. We recommend that the both the gross lot area and net lot area be specified.

12 The GML referral form, the Lead Agency Notification and the narrative summary specify that the single structure will be 210 feet by 60 feet. The modular classroom structure depicted on the March 6, 2017 Phasing Plan is 210 feet by 70 feet. All application materials must be consistent. The public hearing notice will have to be reissued if it contained inaccurate information.

13 While seventeen temporary parking spaces are shown on the March 6, 2017 Phasing Plan, a parking calculation is not provided. The narrative summary also specifies 17 temporary parking spaces, and notes that additional parking spaces will be provided off-site. Additional information must be provided about the staffing levels and anticipated student population in the interim school building, and the location of the off-site parking spaces. Since the age of the students is a factor in the parking requirement for schools, that information must also be disclosed. It is not possible to determine if the proposed parking is adequate based on the information submitted.

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14 The narrative summary indicates that the Board of Trustees limited the number of students in the permanent school to 450. What is the current student population? What is the maximum student population that can occupy the interim school building? This must be clarified as it is our understanding that there are minimum area standards that must be achieved per student.

15 The term "modular classrooms" is used throughout the narrative summary. Will the interim school building only contain classroom space? Are larger spaces envisioned such as an auditorium, gymnasium or cafeteria? This must be clarified as it is a factor in fire and building code compliance, as well as the parking requirement for schools.

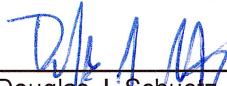
16 The eastern temporary play area is in very close proximity to the construction area. We recommend that it be relocated.

17 A review must be completed by the Rockland County Department of General Services, Division of Facilities Management, and their concerns, if any, satisfactorily addressed.

18 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.

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

20 Given the temporary nature of this special permit use, we recommend that a separate map note be required that specifies the initial one-year time frame, as well as the maximum of two permitted 12-month renewals. The initial and any renewal term dates must also be provided.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Fred Brinn, New Hempstead
Rockland County Department of General Services
United States Army Corps of Engineers
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Moleston/Hillcrest Fire District
New York State Department of Environmental Conservation

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**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.