Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 11, 2017

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

Tax Data: 41.20-2-41

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/17/2017 **Date Review Received:** 6/14/2017

Item: ***BAIS MALKA-TEMPORARY CLASSROOM BUILDING (NH-112F)***

Revised site plan for the installation of a 166' x 66' prefabricated classroom building to be used during construction of a permanent classroom building on the 15.91-acre campus of two existing schools in a 1R-25 zoning district.

South side of Grandview Avenue, opposite Sansberry Lane

Reason for Referral:

Grandview Avenue (CR 80), Town of Ramapo, Village of Wesley Hills

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 Local Law No. 1 of 2017 was adopted on March 27, 2017. It allows for the establishment of certain interim school uses of limited duration, provided that such uses do not adversely affect adjacent properties, and provided that such uses are discontinued upon the expiration of a set time period. Interim school building uses shall be granted by Special Permit of the Village Board of Trustees and shall be governed by Section 6.9 of the Zoning Law. By definition, special permit uses are subject to a higher standard of review. The proposed temporary prefabricated classroom building must conform to the applicable special permit standards in Section 6.9, particularly those listed in Section 6.9.4.1. The site plan must include a map note specifying the initial one year time-frame.

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2 An updated review of the June 7, 2017 site plan must be completed by the Rockland County Highway Department. The applicant must comply with the conditions of the Highway Department's letter of April 20, 2017.

3 An updated review of the June 7, 2017 site plan must be completed by the Rockland County Health Department. The applicant must comply with the conditions of the Health Department's letters of April 12, 2017 and June 23, 2017.

4 An updated review of the June 7, 2017 site plan must be completed by the Rockland County Sewer District #1. The applicant must comply with the conditions of the Sewer District #1's letters of April 21, 2017.

5 An updated review of the June 7, 2017 site plan must be completed by the Rockland County Drainage Agency. The applicant must comply with the conditions of the Drainage Agency's letter of April 18, 2017.

6 The applicant must comply with the conditions of the New York State Department of Environmental Conservation's letter of June 21, 2017.

7 The Town of Ramapo and the Village of Wesley Hills are two of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along the western property line of the site. The Wesley Hills municipal boundary is along Grandview Avenue immediately north 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 and the Village of Wesley Hills 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 and the Village of Wesley Hills must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

8 The temporary prefabricated classroom building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

9 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 District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

10 A bulk table must be provided on the site plan. It is not possible to evaluate whether this proposal conforms to the applicable bulk standards if they are not indicated on the drawing.

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11 It is unclear whether additional parking spaces are required for the proposed temporary prefabricated classroom building. A parking calculation must be provided so that the minimum on-site parking requirement is clarified.

12 Crosswalks must be provided across the interior roadways to ensure the safe passage of students walking between the school buildings and recreation areas.

13 A dumpster enclosure must be shown on the site plan and easily accessible to sanitation workers. Parked vehicles must not block access.

14 A 6-foot high chain link fence is depicted on the map to restrict access to the construction area. It will also prevent access to two macadam play areas. Will alternate play areas be designated on the site? Does the Village or the New York State Department of Education have a per student minimum recreation area requirement? This must be clarified.

15 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

16 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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

18 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.

19 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.

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

21 A vicinity map must be provided. It shall contain a north arrow and a scale.

22 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.

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23 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 Fred Brinn, New Hempstead
Rockland County Sewer District #1
Rockland County Department of Health
New York State Department of State
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Moleston/Hillcrest Fire District

Anthony R. Celentano P.E.
Town of Ramapo, Village of Wesley Hills

Aaron Grossman/Basis Malka HASC, LLC

**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.