COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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May 28, 2014

Ramapo Zoning Board of Appeals
237 Route 59
Suffern, NY 10901

Tax Data: 56.12-2-2.1

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

Map Date: 3/5/2014 **Date Review Received:** 4/28/2014

Item: ***CONGREGATION YETEV LEV (R-1190Q)***

Variances to allow a two-lot subdivision of 5.272 acres in an R-15C zoning district. Lot 1 will be 4.316 acres; Lot 2 will be .956 acres. The applicant is also seeking a special permit and site plan approval for a school on Lot 2. An existing home for adults with a local house of worship will remain on Lot 1. Lot 1 requires variances for front setback (Monsey Boulevard), front yard (Monsey Boulevard), rear setback, maximum development coverage and parking stall width. Lot 2 needs variances for lot area, street frontage, Section 280-A and parking stall width.
North side of Nissan Court and east side of Monsey Boulevard

Reason for Referral:

Village of Spring Valley

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**

This department recommended that the proposed two-lot subdivision of the existing 5.27-acre site, and the special permit and site plan applications for the proposed school be denied. Given the current building and site safety violations, the odd lot configuration, the potential traffic conflicts, as well as the school security issues raised, we recommend that the variances for the existing home for adults and the local house of worship, as well as the proposed yeshiva also be denied. Our reasons for this disapproval are included below:

A large, three-story masonry building and a smaller two-story masonry building are currently located on this 5.27-acre site. There is a second story connection linking the two buildings. While once a hotel, the buildings are now used as an adult care facility for mentally ill individuals. The facility has a 263-bed capacity. A local house of worship is under construction on the western side of the three-story building. This area was previously the location of the hotel pool. The southwest quadrant of the site is undeveloped, although many vehicles are parked on a gravel area close to

Monsey Boulevard. The eastern third of the property also does not contain any structures and is partially paved. Vehicles, including buses, are parked here.

The bulk table on the subdivision plat only lists the R-15C bulk standards for the local house of worship. This is a significant inaccuracy since the local house of worship is not the primary use on this site. It is unrelated to the adult care facility, and cannot be regarded as an accessory use. It must therefore be considered a second principal use. Two principal uses are not permitted on the same site. The bulk standards for the adult care use, which is the primary use on site, must also be listed. The appropriate use category for this primary use is "d." While both the current and proposed lot areas meet the minimum lot area requirement of two acres for the adult care facility, the existing development is non-compliant with most of the requisite bulk standards.

The subdivision proposal will create an undersized parcel with no street frontage. The proposed landlocked school site will require a lot area variance of close to 17 percent. In addition, easements will be required for ingress and egress, parking, and utilities. These easements are not indicated on the map contrary to Map Note # 29 on the subdivision plat. It is also unclear why the southern lot line is drawn as proposed. The proposed lot line bisects the parking area and runs right through parking spaces rather than including the entire parking area and the proposed access driveway. A better design would result if the lot lines paralleled the proposed fence and the existing chain link fence ending at Nissan Court thereby, creating a parcel that is not landlocked, and which meets the minimum lot area standard.

The proposed access driveway connects to a cul-de-sac serving nine residential lots with one-, two- and three-family homes. Since no information is provided about the busing schedule or school hours, it is not possible to evaluate the traffic that will be generated on this dead-end street. A recent site visit revealed that vehicles park along both sides of Nissan Court, and in the cul-de-sac bulb. We witnessed three school buses dropping off young school children. These buses had to navigate around the parked vehicles on Nissan Court and could not maneuver in the cul-de-sac without reversing. Given the age of their passengers and the many children residing on this street, buses should not be backing up in this cul-de-sac. We observed serious traffic safety issues on the street. These dangerous conditions will only be compounded by a school access driveway connection. We are opposed to Nissan Court being the primary access to the second lot.

The April 1, 2014 denial letter from the Town of Ramapo Building, Planning and Zoning Department includes comments from the Town's Fire Inspector. The property is presently in violation for exiting, fire zones, alarms and sprinklers. Fire zones are not marked. Emergency vehicles currently have difficulty accessing all areas of the site. The Fire Inspector also raises the existing on-site parking problems. We agree with his assessment that this proposal should not be considered until the safety violations are corrected.

All of the issues outlined above are serious deficiencies, but the greatest concern is the incompatibility of the existing and proposed uses. The resident population of the adult home is mentally ill. A school for elementary school-age children should not be situated in such close proximity to this facility. The residents have unrestricted access to the entire site. While the applicant proposes to enclose the school site with perimeter fencing, there will still be an open access point at Nissan Court. In addition, the residents can climb or damage the fence, as can the students. We do not believe a completely secure school campus is possible. Given that the operator of the adult home is leasing the property, we recommend that the subdivision and site plan proposals be shelved until the lease expires. Once the applicant has full control of the site, a more comprehensive development proposal can be formulated. Any required variances can be considered at that time.

CONGREGATION YETEV LEV (R-1190Q)

Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano, P.E.
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Monsey Fire District
Congregation Yetev Lev

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.