



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

EDWIN J. DAY
County Executive

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

DOUGLAS J. SCHUETZ
Acting Commissioner

September 25, 2014

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.07-1-40

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

Map Date: 7/31/2014

Date Review Received: 8/22/2014

Item: *TALMUD TORAH YESHUOS MOSHE VIZNITZ (R-2470)*

Site plan for a three-story, 22,500 SF school of religious instruction on .8219 gross acres (.7966 net acres) in an R-40 Zoning district.

North side of Viola Road, 985 feet east of West Maple Avenue

Reason for Referral:

Viola Road (CR 74)

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 Schools are allowed as a special permit use in the R-40 zoning district. By definition, they are subject to more stringent standards, and must also comply with the relevant bulk requirements. It is unclear whether the proposed school adheres to Section 376-1216.A.(2), (3), (4) or (5). In addition, seven bulk variances are required. Several of these variances are of great magnitude. The subject site is significantly undersized requiring a lot area variance of more than 56 percent. The floor area of the proposed school building is 65 percent greater than the permitted maximum. The applicant is seeking a 250 percent variance for development coverage. These deviations from the required standards are an indication that this proposal will result in an overutilization of the site. This proposal must be scaled back to more closely conform to Section 376-1216 and the R-40 bulk standards.

2 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.

3 The applicant must comply with the conditions of the Rockland County Health Department's letter of August 21, 2014.

TALMUD TORAH YESHUOS MOSHE VIZNITZ (R-2470)

- 4 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of August 22, 2014.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 6 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.
- 7 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 8 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. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- 9 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 10 The project narrative states that "the existing building on the premises will be removed once the new building is constructed." Will the existing single-family residence serve as a school during construction? It is unlikely that this structure can accommodate 150 students. The application materials submitted do not reference a phased construction schedule. An explanation must be provided about why the residential building is being retained during construction of the school structure. Additional information must be included in the narrative about its intended use. A construction site is not a safe environment for small children.
- 11 The proposed school building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 12 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 13 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
- 14 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

TALMUD TORAH YESHUOS MOSHE VIZNITZ (R-2470)

15 The bus drop off area is located within a row of parking spaces. Section 376-1216.A.(2) requires that bus access be designed to ensure the safe pick-up and drop-off of children, and to minimize the impact on traffic flow. We believe that the current configuration is unsafe for children boarding and alighting the school buses. It will also impede traffic flow on the site because vehicles will be unable to safely enter or exit space #s 10 through 19 while a bus is in the drop-off area. The bus drop-off area must be separated from the school parking area to avoid both pedestrian and vehicular traffic conflicts.

16 The handicapped space (# 19) is not located near the building entrance. A physically-challenged person will have to navigate across an active driveway to access the building. This is an unsafe arrangement. The handicapped space must be relocated.

17 Several parking spaces are awkwardly configured and will be difficult to exit including the catty-corner spaces (#s 11 and 12) and space #17. Since no turnaround area is provided, a driver parked in space #17 will have to reverse into the internal roadway to exit the spot. A safer parking layout must be devised.

18 While the proposed play area exceeds the minimum requirement, it is unclear if any recreational facilities such as playground equipment or basketball courts are to be provided. This must be clarified.

19 The proposed parking fulfills the on-site parking requirement. However, it is unlikely that 19 parking spaces will be sufficient for special events including parent-teacher conferences and assemblies at a school with an enrollment of 150 students. Off-site parking arrangements must be in place for these events. A written agreement with a nearby property owner must be submitted to the Town.

20 A landscaping and lighting plan shall be submitted for our review. It is not possible to determine if the proposal is in compliance with Section 376-1216.A.(3) without this information.

21 Low evergreen landscaping must be provided in front of parking space #s 18 and 19 to shield headlights from shining into oncoming vehicles traveling on Viola Road.

22 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the county road.

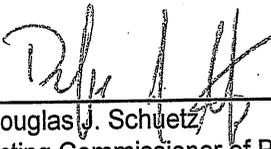
23 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

24 The dumpster area is proposed immediately east of the access drive and close to Viola Road. School personnel will have to traverse parking areas and the internal roadway to bring refuse to the dumpster. This is an unsafe arrangement. The dumpster must be moved to a more appropriate location in closer proximity to the school building. It must also be easily accessible to sanitation workers, and not blocked by parked vehicles.

25 The special permit required for this proposal is subject to a review by this department as mandated by the New York State General Municipal Law.

26 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.

TALMUD TORAH YESHUOS MOSHE VIZNITZ (R-2470)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Monsey Fire District
Anthony R. Celentano P.L.S.
New York State Department of State,
Division of Code Enforcement and Administration
Shlome Zoyde

**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.