

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 20, 2016

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

Tax Data: 50.18-1-2

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

Map Date: 7/20/2016

Date Review Received: 8/17/2016

Item: *BAIT CHANNA/50 SLINN AVENUE (R-2409B)*

Variance for side setback to allow the continued maintenance and use of two temporary trailers and a residential building as classroom space while a permanent school building is constructed on a 1.432-acre site in an R-15 zoning district. Construction of the permanent school will take 30 months.

East side of Slinn Avenue, 300 feet south of Hickory Street

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:

****Recommend the following modifications***

1 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is along Slinn Avenue directly west 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 Village of Spring Valley 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

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sewer service. The areas of countywide concern noted above that directly impact the Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 2 An updated review of the July 20, 2016 revised site plan shall be completed by the Rockland County Health Department and all required permits obtained. In addition, the applicant must comply with the conditions of the Health Department's letter of July 14, 2016.
- 3 An updated review of the July 20, 2016 revised site plan shall be completed by the Rockland County Sewer District #1 and all required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District #1's letter of July 18, 2016
- 4 The NYS Department of State has determined that the Town is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Town's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the temporary classroom space must be held to the requisite minimum standards and comply with all requirements of this code.
- 5 A review must be completed by the County of Rockland Office of Fire and Emergency Services or the local fire district to ensure that there is sufficient maneuverability on-site for emergency vehicles. We believe this parcel is within the Spring Valley Fire District but this must be verified as the property appears to border the Hillcrest Fire District.
- 6 The Town of Ramapo Building, Planning & Zoning Department's August 15, 2016 denial letter contains comments from the Fire Inspector which must be addressed. These include:
 - 1) A proper fire truck turnaround must be provided;
 - 2) The fire lane and fire zone must be striped on the access road;
 - 3) The fire alarm must be connected to 44 Control;
 - 4) The applicant must show that all modular structures conform with NYS Building and Fire Code requirements;
 - 5) The dimensions of the modular buildings must be provided;
 - 6) A temporary use is permitted for one year with a one year extension. Only the Planning Board can approve a phasing plan.
 - 7) No parking is permitted in established fire zones.
- 7 As noted above, temporary uses are permitted for one year with a one year extension. The proposed 30-month period exceeds the maximum allowable time-frame. An undesirable land use precedent will be set if the maximum time-frame for a temporary use is extended. The current limitations must be upheld.
- 8 The easternmost trailer is immediately adjacent to the proposed school building. Stairs from the trailer descend to the future construction area. The proximity of this trailer to a construction site presents a conflict. The trailer must be moved or the applicant must demonstrate how construction can safely occur so close to classroom space. A phasing plan must be submitted.
- 9 The row of rectangles along the eastern side of the proposed play area and the northern side of the proposed school building are not labeled. Are they retaining walls? Their purpose must be clarified.
- 10 The total square footage of the proposed school building must be provided on the site plan.

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11 Hillcrest is listed as the Fire District in Map Note #7 on Sheet 1 of 5. Our records indicate that this parcel is located within the Spring Valley Fire District. The appropriate fire district must be clarified. Map Note #7 must be corrected if inaccurate.

12 Any variances required for Phase II of this proposal are subject to a review by this Department, as mandated by the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
New York State Department of State,
Division of Code Enforcement & Administration
Spring Valley Fire District
Hillcrest Fire District

Anthony R. Celentano P.E.
Village of Spring Valley

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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.

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.

