Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 27, 2017

Ramapo Village Board
237 Route 59
Suffern, NY 10901

Tax Data:

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

Date Review Received: 5/31/2017

Item: ***TOWN OF RAMAPO/MORATORIUM FOR TEMPORARY MODULAR UNITS (R-2340A)***

Local Law amending the Zoning Law of the Town of Ramapo to establish interim zoning provisions pending the consideration, public hearing and adoption or revisions pertaining to Section 376-68 - Temporary Modular Units; Use for School.

Throughout the Town of Ramapo

Reason for Referral:

State and County roads, parks, streams and facilities, and adjacent municipalities

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**

We recognize that educational facilities throughout the county use temporary school buildings to accommodate their growing student populations. These temporary modular units must be regulated to protect both the students and the community. Municipalities must address the need for these structures while also protecting adjacent properties by insuring that temporary classrooms do not serve as a substitute for permanent structures. In 2012, this department recommended several modifications to the Town's Zoning Law Amendment to allow modular units to be used as schools. Our concerns with regard to yard requirements and parking standards have been realized on several school sites. The proposed moratorium will allow the Town to formulate appropriate land use regulations for temporary modular units to be used as schools, and therefore, we support its implementation.

We offer the following recommendations in advance of the Town's revised regulations for this use.

TOWN OF RAMAPO/MORATORIUM FOR TEMPORARY MODULAR UNITS (R-2340A)

1 With regard to the Administrative Relief outlined in Section 4A., we recommend that requests to vary or modify the application of any provision of this moratorium be subject to review and comment by this department in accordance with the provisions of General Municipal Law Section 239 L and M for all sites under our jurisdiction.

2 The Town Board shall consider establishing temporary modular units for school use as special permit use. By definition, special permit uses are subject to a higher standard of review. The temporary nature of this use, and its placement on an active construction sites warrants a harder look. The Town Board must also consider requiring that a special use permit be granted for the permanent structure precedent to the granting of a special use permit for the temporary modular unit for school use.

3 An initial time-frame must be established for the use of temporary modular units as schools. Extensions of the initial time-frame must be the exception not the rule. If construction of the permanent school ceases, an extension shall not be granted. A public hearing shall be required for extensions so that neighboring property owners have the opportunity to voice their concerns. If problems arise during the initial time-frame, it is appropriate for neighbors to bring these issues to the attention of the Town Board in a public forum.

4 The Town Board shall mandate construction progress inspections of the permanent school to ensure that the permanent school is completed in a timely fashion.

5 A site plan review shall be required for the temporary modular units for school use.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo
New York State Department of Transportation
Rockland County Department of Highways
Palisades Interstate Park Commission
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
New York State Department of State
Rockland County Office of Fire and Emergency Services

Clarkstown, Haverstraw, Orange County
Airmont, Chestnut Ridge, Hillburn, Kaser,
Montebello, New Hempstead, New Square, Pomona,
Sloatsburg, Spring Valley, Suffern & Wesley Hills
Alan Berman, Deputy Town Attorney

**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.

TOWN OF RAMAPO/MORATORIUM FOR TEMPORARY MODULAR UNITS (R-2340A)

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.