



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 8, 2017

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

Tax Data: 50.19-1-20

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

Map Date: 12/7/2016

Date Review Received: 12/30/2016

Item: *TALMUD TORAH DARKEI AVOS (R-2520A)*

Variances for lot width, side setback, total side setback, side yard, rear setback, rear yard and parking in the front and side yards to allow the construction, maintenance and use of a two-story, 21,000 SF school on .8982 acres in an R-15 zoning district.

West side of North Pascack Road, approximately 70 feet south of Pauline Court

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 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The ability of the existing infrastructure to accommodate educational facilities on non-conforming parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of November 18, 2016.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of November 23, 2016.

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4 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is approximately 375 feet 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 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.

5 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 proposed school building must be held to the requisite minimum standards and comply with all requirements of this code.

6 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector or the Hillcrest Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

7 The parking areas are awkwardly configured. The northwest parking space will be difficult to exit unless a driver backs into it; otherwise, several turning maneuvers will be required within the on-site circulation system. The potential for vehicular conflict is great. If a turnaround area cannot be provided, this parking space must be eliminated. The parking space to the south of the building appears to be a handicapped space given the access aisle provided to the north of it. Handicapped spaces must be properly labeled on the site plan and in the field. This space will also be difficult to exit unless a driver backs into it. Given the school bus traffic that will be generated on-site transporting 150 students, it is inadvisable for vehicles to be maneuvering within the interior roadway. A safer parking layout must be designed.

8 It appears that a counter-clockwise flow of traffic is proposed. This must be clearly indicated in the field. The bus drop off area must also be designated on the map and in the field to ensure the safety of the students.

9 The existing conditions are shown on the ZBA plan making it difficult to properly evaluate this proposal. A separate existing conditions map shall be prepared so that the ZBA plan is more legible.

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10 The Building Inspector's December 14, 2016 memorandum references an October 21, 2016 map. It specifies that variances are required for lot width, parking in the front and side yards, and elimination of the required buffer. The December 7, 2016 map submitted with this application shows a 20-foot buffer along the side property lines and a 35-foot buffer along the rear property line. Side setback, total side setback, side yard, rear setback and rear yard variances are indicated on the bulk table, as well as the variances for lot width and parking in the front and side yards noted in the Building Inspector's December 14, 2016 memorandum. The required variances must be clarified. All application materials must be consistent. The public hearing notice will have to be reissued if it did not include all required variances.

11 Map Note #7 incorrectly references Section 239 N of the General Municipal Law. Since this is an application for variances, Sections 239 L and M apply. The map note must be corrected.

12 A north arrow and scale must be provided on the vicinity map.

13 The special permit required for 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
Rockland County Office of Fire and Emergency Services
Hillcrest Fire District

Civil Tec Engineering & Surveying PC
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.

