

DEPARTMENT OF PLANNING

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August 3, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 50.19-1-20

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

Map Date: 7/3/2017

Date Review Received: 7/5/2017

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

A site plan and special permit application for the temporary use of an existing single-family residential structure as a school for Phase I, which will last 36 months; Phase II consists of the construction and use of a permanent 21,000 sq. ft. school building, on 0.90 acres in the R-15 zoning district. Western 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:

****Disapprove***

Phase I, the use of an existing residence as a temporary school, is disapproved for the following reasons:

- 1 The existing structure is not properly sized or designed to be used for this purpose. To attempt to accommodate 80 students within it would result in overcrowding, be detrimental to the educational experience, and endanger the health, safety, and welfare of the students.
- 2 The parking and traffic circulation plan for Phase I is inadequate. Only 5 out of the 6 required parking spaces are provided and maneuvering in and out of the space adjacent to the southern side of the building would be difficult. There is limited room for the circulation of buses, staff vehicles and parents. The parking area must be redesigned for adequate parking and circulation.

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3 Phase I is proposed to last 36 months. Guided by the Town of Ramapo's zoning regulation section 376-67, which states modular classrooms may only be used for 12 months with one 12 month extension, the proposed time-frame of 36 months cannot be described as "temporary". Phase I should, therefore, be considered and evaluated with the same scrutiny as any other permanent project.

4 The existing residential structure is already in use as a school. Aerial photographs from 2016 show that the driveway was altered to create a circular drive as shown in the proposed site plan, and two school buses are visible. The operation of the school was confirmed by a site visit. The school is operating without proper permits or having had necessary health and safety inspections. The use of the property as a school must cease until all necessary permits are obtained.

5 The proposed narrative and site plan note acknowledge the Certificate of Occupancy for Phase I will be revoked during the construction of the Phase II parking lot, but make no mention of the operation of the school during the construction of the Phase II structure. This department must assume that the applicant intends to conduct construction activities for the Phase II structure while Phase I is still in operation. To have this activity in such close proximity to a school and its students is an untenable situation and presents serious hazards to the students and staff.

In the event the Ramapo Planning Board votes to override this disapproval of Phase 1, and with regard to the proposed Phase 2, we recommend the following modifications:

6 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 residential building must be held to the requisite minimum standards and comply with all requirements of this code.

7 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 county-wide 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 which 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.

8 As indicated in the June 8, 2017 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.

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9 As indicated in the June 20, 2017 letter from the Rockland County Sewer District #1, the Commercial/Non-residential Wastewater Questionnaire and County Planning Information Certification must be completed and submitted to them. The letter further acknowledges that the school does not have to pay an impact fee with the proposed maximum enrollment. Should the enrollment increase above 150 students, the Rockland County Sewer District #1 must be notified.

10 The map notes indicate that the water supplier is United Water. This must be changed to SUEZ.

11 The GML referral form indicates that this proposal is being transmitted to the Rockland County Planning Department for only a site plan review. However, as indicated in the narrative, schools of general and religious instruction also require a Special Permit application. The Town must confirm the correct applications have been made and review the public hearing notice to ensure that it was made correctly, and be re-issued if it was not.

12 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Moleston/Hillcrest Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises during normal operation, as well as during all phases of construction.

13 The proposed site plan states that a waiver of the buffer area will be required for the play and parking areas. We request the opportunity to review any variances which may be necessary to implement the proposed site plan.

14 Parking spaces along the northern property line have inadequate backup space. The parking area or landscape island must be reconfigured to correct this.

15 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

16 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.

17 There shall be no net increase in the peak rate of discharge from the site at all design points.

18 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

19 Map Note #7 incorrectly references Section 239 N of the General Municipal Law. Since this is a site plan proposal, Sections 239 L and M apply. The map note must be corrected.

20 The Planning Board must confirm that all requirements of Section 376-1216 (Schools of general and religious instruction) have been met.

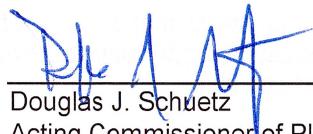
21 The drop off/pick up area must be clearly delineated for both Phase I and Phase II plans and on site.

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22 The on-site parking is not adequate for any type of special event that would generate additional parking demand. The applicant must develop an alternative parking plan for special events and submit a written agreement between themselves and other property owners for the use of off-site parking.

23 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

24 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo
New York State Department of State
Rockland County Office of Fire and Emergency Services
Moleston/Hillcrest Fire District
Rockland County Department of Health
Rockland County Sewer District #1

Civil Tec Engineering & Surveying P.C.
Village of Spring Valley Planning Board

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.

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.