



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Acting Commissioner

Arlene R. Miller
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March 23, 2018

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.12-2-51

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

Map Date: 2/14/2018

Date Review Received: 2/13/2018

Item: **BAIS MIKROH GIRLS SCHOOL (R-1858E)**

Revised final site plan application for an addition to an existing school on 3.33 acres in an R-25 zoning district. A two-story, 19,608 SF building with a basement is proposed. Construction will be completed in two phases. Phase I will involve the installation of site infrastructure, and the construction of a 4,900 SF modular classroom at the rear of the parcel. Phase 2 will involve the construction of the permanent addition. The modular classroom will be removed, and additional parking provided.

South side of Viola Road, 750 feet east of Route 306.

Reason for Referral:

Viola Road (CR 74), Village of New Hempstead

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 An updated review of the February 14, 2018 site plan drawings must be completed by the Rockland County Highway Department. In addition, the applicant must comply with the conditions of the Highway Department's letters of November 15, 2017, November 27, 2017 and December 29, 2017. Based on the comments in their second and third letters, it appears that their initial concerns have not been addressed.

2 The applicant must comply with the conditions of the Rockland County Health Department's letter of February 20, 2018.

3 An updated review of the February 14, 2018 site plan drawings must be completed by the Rockland County Sewer District #1. In addition, the applicant must comply with the conditions of the Sewer District #1's letter of January 18, 2018.

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4 The Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Viola Road, approximately 60 feet north 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 New Hempstead 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 New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 By definition, special permit uses are subject to a higher standard of review. The Planning Board shall be satisfied that this proposal complies with all special permit standards outlined in Article XII, particularly Section 376-1216.

6 Section 376-1216.A.(1) specifies that a recreation area of 30 SF per student be provided on the site in a safe and convenient location. The site plan must include a recreation area calculation. Play areas totaling 16,500 SF are required for the proposed 550 students. The square footage of only one play area is indicated on the drawings. Play Area #2 must be outlined and the square footage specified.

7 The Town must be satisfied that the proposed landscaping plan complies with Section 376-1216.A.(3). The adjoining residential properties must be sufficiently buffered. Additional landscaping shall be provided along the eastern property line to shield the adjacent residential neighbors from headlight glare. The rear property line must also be suitably landscaped to minimize the visual and noise impacts of the playground area on the property owners to the south.

8 The bulk table on both the Phase 1 and Phase 2 Layout Plans lists the gross lot area of 145,191 SF as the minimum lot area, rather than the net lot area of 140,699 SF. The gross lot area is also used in the development area calculation. As a result, the proposed development coverage is understated. The net lot area must be listed in the bulk table and used to calculate the development coverage. We believe the applicant must seek another variance for the increased development coverage.

9 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 applicant is seeking close to a 200 percent increase over the maximum permitted development coverage for Phase II. The ability of the existing infrastructure to accommodate facilities of this size 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.

10 The applicant must consider using pervious pavers or porous concrete in the parking area to reduce the extent of the variance required for maximum development coverage. Since 13 more parking spaces are proposed than are required, reducing the number of parking spaces must also be considered.

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- 11 The two parking spaces immediately east of the 4,687 SF play area shall be eliminated. Vehicles parked in these spaces must reverse into the interior road at a point where the through traffic and bus traffic converge. This is an unsafe arrangement.
- 12 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 school buildings must be held to the requisite minimum standards and comply with all requirements of this code.
- 13 A review of the February 14, 2018 site plan drawings, and the October 30, 2017 Fire Truck and Fire Hose Access Analysis, must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 14 Traffic flow must be clearly indicated in the field during construction to ensure the safety of the students and other pedestrians as they navigate between the school buildings, play areas and parking lots.
- 15 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant for staff.
- 16 The original residential building was to be used for a caretaker's residence. The application materials must specify if that is the current use of this 1,470 SF structure.
- 17 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 18 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.
- 19 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.
- 20 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 21 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 (January 2015) and local ordinances.
- 22 A north arrow shall be provided on the vicinity map.
- 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.

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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 Michael B. Specht, Ramapo
- Rockland County Department of Highways
- Rockland County Department of Health
- Rockland County Sewer District #1
- New York State Department of State
- Rockland County Office of Fire and Emergency Services
- Monsey Fire District

- Leonard Jackson Associates
- Village of New Hempstead

- Rabbi Shaul Y. Rosengarten

- Mona Montal, Chief of Staff

**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.