

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 30, 2018

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

Tax Data: 49.18-1-2

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

Map Date: 12/7/2017

Date Review Received: 1/5/2018

Item: *CONGREGATION KHAL YAREIM OF WOODRIDGE (R-2629)*

Variations for lot area, lot width, side setback, total side setback, street frontage and maximum development coverage to allow the construction, maintenance and use of a two-story, 13,572 SF school building on .8748 acres in an R-35 zoning district. The applicant is also seeking a waiver of the buffer requirement, as well as a waiver from providing access for full-size busses.

East side of College Road, approximately 160 feet north of Carlton Road

Reason for Referral:

College Road (CR 81)

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***

Earlier versions of this proposal have not been submitted to this Department for review so it is not possible to evaluate the modifications noted in the December 19, 2017 project narrative. The current submission appears to be an overutilization of the site in that less than 47 percent of the minimum lot area is achieved and the proposed development coverage exceeds the permitted maximum by 175 percent. The building footprint and the impervious surface area must be reduced to more closely conform to the R-35 bulk requirements for this use.

The following comments address our additional concerns about this proposal.

1 The conditions of the Rockland County Highway Department's letters of November 20, 2017, December 22, 2017 and January 10, 2018 must be satisfactorily addressed, and all required permits obtained. The current driveway configuration is unacceptable to the Highway Department. Additionally, they are skeptical about the Town's ability to enforce a prohibition on full-size busses.

CONGREGATION KHAL YAREIM OF WOODRIDGE (R-2629)

2 An updated review of the December 7, 2017 site plan must be completed by the Rockland County Health Department. In addition, the applicant must satisfactorily address the conditions of the Health Department's November 17, 2017 letter.

3 An updated review of the December 7, 2017 site plan must be completed by the Rockland County Sewer District #1. In addition, the applicant must satisfactorily address the conditions of the Sewer District's November 27, 2017 letter.

4 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. As noted above, the applicant is seeking a 175 percent increase over the maximum allowable development coverage. The ability of the existing infrastructure to accommodate educational facilities on undersized, nonconforming 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. The proposal must be scaled back to more closely comply with the requisite standards for schools in the R-35 zoning district, including the special permit standards listed in Section 376-1216.

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 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. It is unclear how fire trucks can access the site if larger school busses cannot. Clarification must be provided. The turning templates mentioned in the December 19, 2017 ZBA Narrative were not included in the application materials submitted to this department. As a result, we cannot evaluate whether larger vehicles can navigate this site.

7 A bus drop-off/pick-up area is not indicated on the site plan so it is not possible to determine if the proposal conforms to Section 376-1216A.(2). A row of parking spaces is shown immediately west of the building entrance so students will have to walk between parked cars to access the school. This is an unsafe arrangement and must not be permitted.

8 The narrative indicates that three mini-buses will transport the 80 students to and from school. Additional information must be provided about the seating capacity of these vehicles and how they compare to full size busses which will not be permitted on the site. We question whether the prohibition against full size busses is enforceable. Clarification must be provided.

9 The 12 on-site parking spaces are not sufficient for special events at the school. More parking will be required for parent-teacher conferences and assemblies. An off-site parking arrangement must be in place for larger gatherings at the school. Under no circumstances can vehicles park within the County right-of-way.

10 A vehicle exiting the southeast parking space will have to reverse into the access drive. The potential for traffic conflicts with passenger vehicles and school busses is significant. A turnaround area must be provided.

CONGREGATION KHAL YAREIM OF WOODRIDGE (R-2629)

11 It is unclear whether sanitation vehicles can safely access and maneuver on the narrow circulation pattern proposed for the site. Given the proposed location of the garbage enclosure, it appears that these vehicles will have to enter and navigate through the site. Clarification must be provided. We do not believe this is advisable given the potential vehicular and pedestrian conflicts in this constrained area. Sanitation vehicles will block the access driveway while the dumpster is emptied. This is not an ideal arrangement. The garbage enclosure must be relocated so that it can be easily accessed by sanitation workers without impeding on-site circulation.

12 We believe the proposed FAR is understated. An FAR calculation must be provided.

13 The gratuitous dedication noted on the site plan shall be to the County of Rockland, not the Town of Ramapo, as this is a County road.

14 The vicinity map must include a scale and north arrow.

15 General Note 7 shall reference Section 239L and M of the General Municipal Law as this is an application for variances not a subdivision.

16 The special permit required for this proposal is subject to a review by this department as mandated by the New York State General Municipal Law.

17 The site plan required for this proposal is subject to a review by this department as mandated by the New York State General Municipal Law.

18 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.

19 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 V. Schuetz
Acting Commissioner of Planning

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

Civil Tec Engineering & Surveying PC

Congregation Khal Yereim of Woodridge

CONGREGATION KHAL YAREIM OF WOODRIDGE (R-2629)

Mona Montal, Chief of Staff
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.