



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Pomona, New York 10970

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 5, 2018

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

Tax Data: 56.06-1-19

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

Map Date: 2/2/2018

Date Review Received: 3/2/2018

Item: *CONGREGATION VIEN OF MONSEY/61 COLLEGE ROAD (R-2641)*

Variances for lot area, lot width (Highview Avenue), side setback, maximum development coverage and parking in the front yard to allow an existing residential building to be used as a school. The .8715-acre site is in an R-25 zoning district.

Southwest corner of Highview Road and College Road

Reason for Referral:

Highview Road (CR 64), 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***

Schools of general and religious instruction are special permit uses in the R-25 zoning district. As such, they are subject to a higher standard of review. In addition to the R-25 bulk requirements, they must comply with special permit standards outlined in Article XII, particularly the individual standards of Section 376-1216. It is not possible to determine if this proposal achieves these standards. While a recreation area calculation is provided, no recreation space is depicted on the site plan. The bus drop off area is immediately south of three parking spaces and just west of the dumpster enclosure. This location will not provide for the safe pick up and drop off of children, or minimize the impact on traffic flow. Landscaping is not shown on the map so it is unclear whether perimeter, parking lot or building plantings are provided. It also cannot be determined if proper access is provided for fire fighting and emergency equipment and vehicles, or if the school building complies with the Town's Fire Prevention Chapter. The site has less than 48 percent of the land area required for this use. A development coverage variance of 65 percent is needed. The fact that the proposal does not conform to most of the special permit standards, and requires significant bulk variances, is an indication that the school use will result in an overutilization of the site.

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Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent. The ability of the existing infrastructure to accommodate increased residential density on undersized 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. We recommend that these variances be denied, and the applicant acquire additional property to create a more closely conforming proposal.

The following comments address our additional concerns about this proposal.

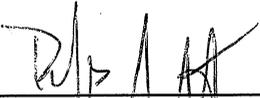
- 1 A review must be completed by the Rockland County Highway Department, and all required permits obtained.
- 2 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 3 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.
- 4 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 building must be held to the requisite minimum standards and comply with all requirements of this code.
- 5 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Tallman Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 6 A vehicle turning analysis must be submitted that demonstrates that maneuverability is achievable for school buses and fire trucks on the site.
- 7 The request to waive the sidewalk requirement along Highview Road shall not be granted. Pedestrian activity is significant in this area. The provision of sidewalks is necessary to ensure the safety of pedestrians.
- 8 The bulk table indicates that eight parking spaces are required and provided. Ten parking spaces are shown on the site plan. A vehicle parked in space 10 cannot back straight out of the space, and a turnaround area is not provided. The driver will have to navigate across the bus drop off area, as will vehicles parked in spaces 8 and 9. As noted above, this is an unsafe arrangement. The two extra parking spaces must be eliminated. The remaining eight spaces must be reconfigured so that students can safely board and alight school buses.
- 9 As noted above, the dumpster enclosure is located directly east of the bus drop off area, and just south of two parking spaces. This location is not ideal given the vehicular and pedestrian traffic occurring in this area. The dumpster enclosure must be relocated so that sanitation workers can easily access it, and vehicular and pedestrian conflicts with garbage trucks are minimized.
- 10 While yard and setback lines are shown on the map, they are not labeled with their respective measurements. This information must be provided.
- 11 The rectangular area immediately north of the building must be labeled on the site plan.
- 12 Map Note 10 shall be corrected to indicate that SUEZ is the water supplier.

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13 The special permit and site plan applications required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.

14 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.

15 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
Tallman Fire District

Anthony R. Celentano P.E.

Hershy Tannenbaum

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.

