

DEPARTMENT OF PLANNING

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May 2, 2018

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.05-1-3.2
56.05-1-2.1

56.05-1-3.1

56.05-1-2.2

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

Map Date: 2/27/2018

Date Review Received: 4/4/2018

Item: *YESHIVA TIFERES SHMUEL (R-2091C)*

Special permit and site plan applications to allow two existing residences, currently located on separate parcels, to be renovated and used as a yeshiva. The 2.15-acre assemblage is in the R-25 zoning district. The applicant proposes to combine four tax parcels to create the 2.15 acre parcel. The net lot area is 1.96 acres. A new driveway with parking is proposed to serve the school. Phase 2 of the project will include the construction of a large addition for future use as a yeshiva. Variances were granted for front setback and front yard to Highview Road, for the existing building on the corner parcel. Southeast corner of Highview Road and Spook Rock Road

Reason for Referral:

Highview Road (CR 64), Spook Rock Road (CR 85), Village of Montebello

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 By definition, special permit uses are subject to a higher standard of review. Several of the special permit requirements have not yet been satisfied, i.e. Sections 376-1216A.(2), (3), and (4). The proposed yeshiva must comply with all of the requirements of Section 376-1216 for schools of general and religious instruction, as well as the R-25 bulk standards.
- 2 The applicant must comply with the conditions of the Rockland County Highway Department's letter of April 10, 2018.
- 3 The applicant must comply with the conditions of the Rockland County Health Department's letter of March 15, 2018.

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4 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of March 14, 2018.

5 The Village of Montebello is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 140 feet northwest 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 Montebello 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 Montebello must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 The bulk table indicates that variances are required for both front yard and front setback for the existing dwelling located on Highview Road. It must be clarified if similar variances are also required for the existing dwelling, which is proposed to remain and is located on Spook Rock Road. Since this is a corner lot, we believe that the front yard and front setback standards also apply to the Spook Rock Road frontage. If these variances are required, a second ZBA application must be submitted.

7 The pick up/drop off area is too close to the Spook Rock Road entrance. There is not sufficient stacking space. Vehicles will be stacked onto the County road. In addition, the driveway is too narrow to allow for the pick up/drop off of school children, and two way traffic. The pick up/drop off area is immediately adjacent to parking spaces. The potential for traffic conflicts between pedestrians and vehicles is great. This is an unsafe arrangement, and not in compliance with Section 376-1261A.(2). The pick up/drop off area must be relocated.

8 The location of the two rows of parking spaces is problematic. The parking spaces must not be accessed directly from the driveway because vehicles will have to back out into the sole circulation system for the site. Vehicular conflicts are likely, impeding circulation and creating bottlenecks. In addition, since the driveway access is relatively short in length, vehicles waiting to enter the site due to these onsite traffic conflicts will result in backups directly onto the County highway. This parking area must be relocated/redesigned so that vehicles do not reverse into the only access and road system for the site.

9 Though the applicant is providing six more parking spaces than required, based on the student population, it must be indicated where overflow parking can be located for special school events, such as for parent-teacher conferences, school assemblies, etc. This is especially critical since the site is located on a heavily traveled County highway. Under no circumstances can vehicles be parked within the County right-of-way. A location must be designated for any overflow parking, and a written parking arrangement provided.

10 An appropriate number of handicapped parking spaces must be provided.

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11 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 to be used by staff and visitors.

12 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

13 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.

14 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.

15 As per Section 376-1216A.(4), proper access for fire-fighting and emergency equipment and vehicles must be provided. The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

16 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

17 A turning radius plan must be provided, illustrating that there is sufficient maneuverability on site for school buses and fire vehicles.

18 The narrative indicates that a new sidewalk is proposed to the front entrance of the building near Spook Rock. This must be illustrated on the site plan. In addition, any other sidewalks proposed, including between buildings, must be shown, as this can impact the development coverage.

19 The narrative states that a 2,000 SF recreation area is being provided. The site plan also illustrates such. However, the calculation on the Phase I Layout Plan indicates that a 2,100 SF recreation area is being provided. This discrepancy must be corrected.

20 The recreation space is proposed over the stormwater management system, and within the stormwater access and inspection easement area. These are mutually exclusive uses. The recreation area must be relocated to a safe and accessible space on the site.

21 The dumpster must be moved, as its current location amidst the aforementioned driveway activity is not ideal.

22 It is unclear how the development coverage and floor area ratio were calculated, especially since the total square footage is not provided for the existing residences or the proposed addition. Will the building addition be a single-story structure, or more than one story? The bulk tables on the Phase 1 and Phase 2 Layout Plans indicate that the proposed development coverage is 20 percent. The building footprint of the proposed addition is 5,004 SF, which will increase the development coverage beyond the 20 percent maximum. A variance is likely required. A calculation must be provided for development coverage and floor area ratio for both Phase 1 and Phase 2. It must include the total square footage of the existing and proposed structures, as well as the total impervious surface area.

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23 The February 26, 2018 project narrative indicates that the size of the student body will be not increase between Phase 1 and Phase 2. It is therefore unclear why the addition is required. An explanation must be provided as to the proposed use of this additional space.

24 A review must be completed by the Rockland County Historic Preservation Board, and their comments considered.

25 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.

26 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

27 The existing well is to be decommissioned in compliance with Article II of the Rockland County Sanitary Code. Approval must be obtained from the Rockland County Department of Health prior to initiating any decommissioning activity.

28 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.

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

30 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.

31 The resubdivision required to implement this proposal is subject to a review by this Department, under the NYS General Municipal Law.

32 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.

33 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

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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
Rockland County Historic Preservation Board
Civil Tec Engineering & Surveying PC
Village of Montebello

Yeshiva Tiferes Shmuel

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.

