



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

July 19, 2019

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 50.18-1-2

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

**Map Date:** 5/22/2019

**Date Review Received:** 6/21/2019

**Item:** *BAIT CHANNA PHASE 1 (R-2409C)*

Special permit and site plan application to allow the continued use of two temporary trailers and a residential building as classroom space while a permanent school building is constructed on a 1.432-acre site in an R-15 zoning district. A third trailer is now proposed. The applicant is seeking a five-year extension of the special permit granted in 2016.

East side of Slinn Avenue, 300 feet south of Hickory Street

### 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***

1 The Town of Ramapo permits temporary trailers for classroom use for a one-year term while a permanent school is constructed. One 12-month extension of the special permit is allowed. The applicant is seeking a five-year extension which is excessive, and greatly exceeds the maximum two-year term. The existing trailers have been in place since 2016. This three-year time frame also exceeds the permitted maximum. A field visit to the site indicates that construction of the permanent school has only recently begun, as aerial photography flown in 2018 did not show the building foundation at the rear of the site. This department does not support the extension of the special permit to allow the continued use of the temporary trailers as classroom space. The fact that construction of the permanent school did not start in 2016 is an indication that the applicant is not complying with the intent of the temporary trailer law. An undesirable land use precedent will be set if the maximum time frame for a temporary use is extended. The current limitations must be upheld; a five-year extension of the special permit shall not be allowed.

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2 A third trailer must not be permitted as it will limit full access to the rear of the property. It is inappropriate to increase the intensity of the temporary use as construction of the permanent schools continues. As currently configured, it will be difficult for construction vehicles and equipment to safely navigate on this active school site. An additional structure on the north side of the property will further constrain the narrow access to the eastern half of the property, as indicated on the revised site plan. The existing retaining wall on the north side of the site reaches a height of six feet; its location precludes further widening of the driveway. The June 13, 2019 letter from the Administrator for Bnos Sanz Girls School does not specify why additional space is needed. Given the age of the student body, we are opposed to allowing more children on an active construction site.

The following comments address our additional concerns about this proposal.

3 A phasing plan must be submitted so the feasibility of this two-phase proposal can be evaluated. We do not believe it is appropriate for 140 young children to attend school on an active construction site. It is unclear what, if any, safeguards will be in place to prevent the children from being injured. Clarification must be provided.

4 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is along Slinn Avenue directly 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 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 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.

5 The applicant must comply with the conditions of the Rockland County Health Department's letter of July 5, 2019.

6 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of June 25, 2019.

7 The temporary classroom space must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8 A review of the May 22, 2019 revised site plan for Phase 1 must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector or the local fire district to ensure that there is sufficient maneuverability on-site for emergency vehicles. We believe this parcel is within the Spring Valley Fire District but this must be verified as the property appears to border the Moleston/Hillcrest Fire District.

9 The easternmost trailer is immediately adjacent to the proposed permanent school building. Stairs from the trailer descend toward the construction area. The proximity of this trailer to an active construction site presents a conflict, and raises serious safety concerns. The access to the trailer must be moved or the applicant must demonstrate how construction can safely occur so close to classroom space.

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10 A 1,674 SF play area is shown immediately south of the ten-space parking area on the revised Phase 1 site plan. Fencing is not depicted around the play area giving rise to safety concerns. The proposed space does not meet the minimum recreation requirement of 30 SF per student. A safer, appropriately-sized play area must be provided.

11 It will be difficult for a vehicle parked in space 10 to exit given the proximity of the dumpster enclosure. Sanitation workers will have difficulty accessing the dumpster enclosure in its current location. The dumpster enclosure must be moved to a more accessible location that does not impede vehicle movements. It must be noted that this parking area does not presently exist and a dumpster is currently located immediately north of the existing residential building.

12 A turnaround area must be provided for the southern parking area. A vehicle parked in space 15 will be unable to safely maneuver in to or out of the space given the immediate proximity of the ramp and the gravel walk. The location of this parking space raises concerns about student safety. It must be noted that this parking area does not currently exist.

13 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 any 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.

14 The permanent school must be clearly outlined on the Phase 1 site plan.

15 Hillcrest is listed as the Fire District in Map Note 7 on Sheet 1 of 9. Our records indicate that this parcel is located within the Spring Valley Fire District. The appropriate fire district must be clarified. Map Note 7 must be corrected if inaccurate.

16 Map Note 10 must be corrected to indicate that SUEZ is the water supplier.

17 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.

18 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 Health  
Rockland County Sewer District #1  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Spring Valley Fire District  
Moleston/Hillcrest Fire District

**BAIT CHANNA PHASE 1 (R-2409C)**

Anthony R. Celentano P.E.  
Village of Spring Valley

Gavriel Rosenberg, Bnos Sanz Girls School

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.*