

## 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:** 6/10/2018

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

**Item:** *BAIT CHANNA PHASE 2 (R-2409D)*

Special permit and final site plan application to allow the construction of a three-story, 30,000 SF permanent school building on a 1.432-acre site in an R-15 zoning district. This is a two-phase project. Two temporary trailers and a residential building are currently serving as classroom space. The trailers will be removed when the permanent school building is constructed; the residential building will be retained as a caretaker's residence.

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:

### ***\*Recommend the following modifications***

1 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

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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.

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

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

4 The permanent school building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

5 A review of the June 10, 2018 revised site plan for Phase 2 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.

6 The Planning Board must be satisfied that Phase 2 complies with the special permit standards contained in Article XII and the individual standards listed in Section 376-1216.

7 As noted in our review of Phase 1 of this proposal, 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.

8 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.

9 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.

10 The lighting plan must be revised so that the intensity of the candle lumens is less than 0.1 at the property line.

11 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.

12 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.

13 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 Standards for Urban Erosion and Sediment Control.

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- 14 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.
- 15 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 16 Additional information must be provided about the play area. Will it be paved or remain as pervious surface? Will playground equipment be provided?
- 17 All trees to be removed must be clearly indicated on the landscaping plan. Trees are shown within the building footprint and the play area. The Notes only specify that all trees west of the play ground area are to be removed.
- 18 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 19 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.
- 20 Map Note 10 must be corrected to indicate that SUEZ is the water supplier.
- 21 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.
- 22 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.



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

Gavriel Rosenberg

Mona Montal, Chief of Staff

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*\*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.*