



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 25, 2019

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.17-2-56

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/10/2019

Date Review Received: 9/17/2019

Item: *BNOS ON HIGHVIEW/86 HIGHVIEW ROAD (R-2534F)*

Final site plan and special permit applications for a three-story, 27,600 SF school of religious instruction located on 1.15 acres in the R-35 zoning district. Variances were granted for lot area, front setback (Highview Road), front yard (Highview Road), rear setback, development coverage, floor area ratio, and parking in the front and side yards. The applicant is also seeking a waiver of the buffer requirement. Northwest corner of Highview Road and Pine Road, opposite Dalewood Drive

Reason for Referral:

Highview Road (CR 64)

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 Schools of General and Religious Instruction are special permit uses in the R-35 zoning district. By definition, they are subject to a higher level of review. The Planning Board must be satisfied that the proposed school is in compliance with the appropriate sections of Article XI, including the general conditions listed in Section 376-120 and the individual standards contained in Section 376-1216.
- 2 Our department reviewed a previous version of this site plan on October 4, 2018. Since then, the development coverage ratio has been decreased from 53 percent to 49 percent and the floor area ratio from 77 percent to 69 percent. However, the magnitude of these variances is still too high. To decrease the development coverage variance, we recommend that the building footprint be reduced and pervious pavers used in the parking area. A smaller building footprint will also reduce the floor area ratio, and decrease the extent of the required yard and setback variances.

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- 3 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. The subject site contains only 62 percent of the required minimum lot area. The maximum development coverage and floor area ratio are both exceeded by almost 73 percent. The front yard, front setback, and rear setback are all deficient by 40 percent. The ability of the existing infrastructure to accommodate large educational facilities on undersized, non-conforming 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 siting of the proposed school at 86 Highview Road has drawn criticism from the Tallman Fire District, elected officials, adjacent municipalities and residents of the surrounding neighborhood. This level of controversy warrants a thorough analysis of the effect of the school proposal. The Town must consider the cumulative and regional impacts of permitting such development. The proposal must be scaled back to more closely conform to the R-35 bulk standards for this use.
- 4 The applicant shall comply with the conditions of the Rockland County Highway Department's letter of September 20, 2019.
- 5 An updated review of the September 10, 2019 site plan must be completed by the Rockland County Health Department and all required permits obtained. In addition, the applicant must comply with the conditions of the Health Department's letter of January 11, 2018.
- 6 The applicant shall comply with the conditions of the Rockland County Sewer District #1's letter of September 17, 2019.
- 7 The proposed school building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 8 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Town of Ramapo Fire Inspector to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises. Compliance with Section 376-1216.A.(5) must also be verified.
- 9 The applicant must satisfactorily address the concerns raised in the Tallman Fire Department's letter of July 15, 2019. Based on this correspondence, the proposal does not appear to conform to Section 376-1216.A.(4).
- 10 An earlier version of the site plan depicted a play area in the northwest corner of the parcel. It is now labeled "area to be fenced off to ensure less than an acre of disturbance." It is unclear what purpose this land area will serve since the play area has been relocated to the south side of the site, immediately adjacent to Highview Road. An explanation must be provided for this change, as the current location is oddly configured and not as safe. While it meets the minimum standard of 30 SF per student, it is not a safe and convenient location as mandated in Section 376-1216.A.(1)
- 11 Parking spaces 19, 20, 21 and 22 are overlain with a label that states, "These four spaces are to be utilized for drop off area in the morning only" on the Planimetric Plan. Additional information must be provided about the morning drop off area as these parking spaces are located in close proximity to the entrance driveway, and not safe for parking locations that will have a lot activity.
- 12 In our opinion, vehicles navigating in to or out of parking spaces 20 and 21 will interfere with the flow of incoming traffic. The same is true of spaces 10 and 17 with regard to vehicular traffic exiting the site. We recommend that these spaces be eliminated or relocated.
- 13 Parking space 32 is in the line of traffic for vehicles entering the site, particularly school buses navigating to the student loading zone. Vehicles parked in this space will also impede emergency access to the school building, and interferes with the sidewalk access. This space shall be eliminated.

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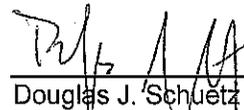
- 14 Insufficient parking on the site can result in overflow parking problems. Illegal parking within the parking area, or along the roadway may result. Where will parents park during school events, such as parent-teacher conferences? An off-site location must be identified, with a safe pedestrian connection, so that for special events, parking does not become a safety issue. Under no circumstances, can vehicles park along Highview Road, a County highway.
- 15 The aforementioned parking lot constraints are a clear indication that the school building and the student body are too large. The proposal must be scaled back so that the building footprint is reduced and fewer students are permitted to attend.
- 16 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. 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. This is especially critical since the on-site parking is awkwardly configured. In addition, it will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.
- 17 It must be clarified that only right turns are permitted onto Pineview Road from the southern driveway.
- 18 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.
- 19 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.
- 20 A formal notation on the approved plans must specify that the existing well will be decommissioned in compliance with Article II of the Rockland County Sanitary Code. Furthermore, approval must be obtained from the Rockland County Department of Health prior to initiating any decommissioning activity.
- 21 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 22 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.
- 23 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 24 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.
- 25 The directional arrows, handicapped parking spaces and access aisle are not clearly indicated on the site plan. Bolder graphics must be used on the drawings.
- 26 In one area of the site plan, it indicates the length of the proposed building is 115'. However, in the description of the building on the plans it states that the building will be 120' x 80'. This must be updated to reflect the reduction in the building's size to 115' to keep all materials consistent and accurate.
- 27 Map Note #10 indicates the property receives water from United Water. This must be corrected to Suez.

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28 The most current revision date, September 10, 2019, is listed below the Sign Text Legend, completely separate from all of the other revision dates that are included in the Title Block. This location makes it extremely difficult to locate on the plans. As requested to the engineer in the past, a clear and orderly revision table must be provided on the site plan. The revision dates shall be listed chronologically and not scattered across the site plan.

29 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.

30 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.

Bnos on Highview, LLC

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.