

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
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February 8, 2019

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.11-1-28

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 11/12/2018

Date Review Received: 1/4/2019

Item: *MESIFTA BETH SHRAGA (R-2036E)*

Site plan to allow the construction of a 4,165 SF gymnasium addition to an existing dormitory building. The 1.73-acre school site is in an R-15A zoning district. Two school buildings are currently on the parcel; the older structure will be razed and replaced with a 48' x 100' building. A connection to the second school structure is also proposed, as part of the multi-phase project. On August 25, 2011, variances were granted for front yard, front setback, on-site parking, number of loading berths, and distance between the dormitory and other buildings to permit the additions.
Southwest corner of Harvest Court and North Saddle River Road

Reason for Referral:

Village of Kaser

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 Kaser is the reason this proposal was referred to this department for review. The municipal boundary is along North Saddle River Road, directly opposite 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 recently 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.

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The Village of Kaser 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 Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposed variances.

- 2 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 ability of the existing infrastructure to accommodate facilities of this size 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.
- 3 The applicant must comply with the condition of the Rockland County Health Department's letter of December 26, 2018.
- 4 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of December 26, 2018.
- 5 The proposed gymnasium and school buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises, and if an emergency access is warranted since Harvest Court is a dead end street.
- 7 The May 3, 2018 letter from Leonard Jackson Associates to the Zoning Board indicates that the gym addition will be used for "much-needed on-site year-round sports/activity space." Are competitive sports planned that will include visiting teams and spectators? Will the space be used for social gatherings or school assemblies? If the gymnasium is not used exclusively by the resident student population to engage in physical activity, additional parking will be required. Clarification must be provided as to what other activities will take place in the gym. A map note must be added to the site plan specifying what activities are permitted, as well as prohibited uses. If other activities are permitted, off-site parking arrangements must be established with nearby property owners.
- 8 Supplemental landscaping must be provided along the southern boundary where the side yard and side setback are non-existent for the gymnasium addition. This will shield the view of the building and any exterior lighting from the adjacent residential properties.
- 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, designating 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 since less than the required on-site parking is provided.
- 10 Fencing must be provided around the proposed detention basin to ensure the safety of the students.
- 11 The lighting plan must show continuous fields of illumination. It must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

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12 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.

13 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.

14 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 Guidelines for Urban Erosion and Sediment Control.

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

16 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.

17 If the variances required for the proposed gymnasium (side setback, side yard, rear setback and distance between the dormitory and other buildings) were granted, a map note must be included on the site plan that indicates the resolution number and date, as well as the specific variances.

18 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.

19 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
Monsey Fire District

Leonard Jackson Associates
Village of Kaser

Congregation Mesifita Beth Shraga

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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.