



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Pomona, New York 10970

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 8, 2019

Ramapo Zoning Board of Appeals
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: 9/11/2019

Item: *MOSDOS SANZ OF MONSEY (R-2409E)*

Variance for building height to allow the construction of a three-story, 140' x 70.33' school building on a 1.432-acre site in an R-15 zoning district.

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:

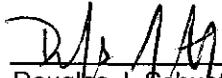
****Recommend the following modifications***

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 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 height variance.

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- 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 May 22, 2019 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 Hillcrest is listed as the Fire District in Map Note 7. Our records indicate that this parcel is located within the Spring Valley Fire District. The appropriate fire district must be clarified. Map Note 7 shall be corrected if inaccurate.
- 7 A slope calculation must be provided so the 15 percent slope can be verified.
- 8 The provided floor area ratio (FAR) has increased from .49 to .65 since the last submission. An FAR calculation must be provided, and the reason for the increased floor area explained.
- 9 The development coverage calculation must be provided on the site plan so its accuracy can be verified
- 10 Additional information must be provided about the play area. Will it be paved or remain as pervious surface? Will playground equipment be provided?
- 11 Map Note 10 must be corrected to indicate that SUEZ is the water supplier.
- 12 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.
- 13 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

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

Gavriel Rosenberg, Administrator

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.

