



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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

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

March 11, 2019

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 49.07-1-40

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

**Map Date:** 12/26/2018

**Date Review Received:** 1/10/2019

**Item:** *TALMUD TORAH YESHUOS MOSHE VIZNITZ (R-2470B)*

Final site plan for a two-story, 22,950 SF school of religious instruction, with a basement, on .8219 gross acres (.7966 net acres) in an R-40 Zoning district.

North side of Viola Road, 985 feet east of West Maple Avenue

### Reason for Referral:

Viola Road (CR 74)

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 Schools are allowed as a special permit use in the R-40 zoning district. By definition, they are subject to more stringent standards, and must also comply with the relevant bulk requirements. It is unclear whether the proposed school adheres to Section 376-1216.A.(2), (3), (4) or (5). In addition, nine bulk variances are required to implement the proposal. Several of these variances are of great magnitude. The subject site is significantly undersized requiring a lot area variance of more than 56 percent. The floor area of the proposed school building is 65 percent greater than the permitted maximum. The applicant is seeking a 250 percent variance for development coverage. These deviations from the required standards are an indication that this proposal will result in an overutilization of the site. This proposal must be scaled back to more closely conform to Section 376-1216 and the R-40 bulk standards.

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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 oversized 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 Town must consider the cumulative and regional impacts of permitting such development. As noted above, this proposal must be scaled back to more closely comply with the requisite standards.

The following comments address our additional concerns about the variances required for this proposal.

3 An updated review of the December 26, 2018 planimetric plan must be completed by the Rockland County Highway Department. In addition, the applicant must comply with the conditions of the Highway Department's letter of October 31, 2017.

4 The applicant must comply with the conditions of the Rockland County Health Department's letter of January 16, 2019.

5 As noted on the drawing, the existing well is to be decommissioned as per Rockland County Health Department procedures. A formal notation on the approved plans must specify that the wells 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.

6 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of January 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 County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

9 The bus drop off area is located within a row of parking spaces. Section 376-1216.A.(2) requires that bus access be designed to ensure the safe pick-up and drop-off of children, and to minimize the impact on traffic flow. We believe that the current configuration is unsafe for children boarding and alighting the school buses. It will also impede traffic flow on the site because vehicles will be unable to safely enter or exit space #s 10 through 17 while a bus is in the drop-off area. The bus drop-off area must be separated from the school parking area to avoid both pedestrian and vehicular traffic conflicts.

10 The only handicapped parking space is located immediately west of the bus drop off area. An access aisle is not provided. This is an unsafe arrangement. The bus drop off area cannot serve as the access aisle for a physically challenged person. The handicapped parking space must be safely configured. As noted above, the bus drop off area must be separated from parking areas. A smaller school building and fewer students will require less parking. The proposal must be scaled back to more closely comply with the requisite standards.

11 Several parking spaces are awkwardly configured and will be difficult to exit including the catty-corner spaces (#s 11 and 12) and space #17. Since no turnaround area is provided, a driver parked in space #17 will have to reverse into the internal roadway to exit the spot. A safer parking layout must be devised. This can be accomplished by reducing the building footprint and the size of the student body.

12 The proposed parking fulfills the on-site parking requirement. However, it is unlikely that 20 parking spaces will be sufficient for special events including parent-teacher conferences and assemblies at a school with an enrollment of 150 students. Off-site parking arrangements must be in place for these events. A written agreement with a nearby property owner must be submitted to the Town.

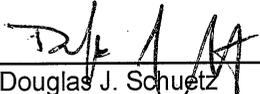
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- 13 All proposed stairways, window wells and walkways must be delineated on the site plan demonstrating that they will not impact yard and setback requirements, or increase the development coverage.
- 14 Pervious pavers shall be used in the parking area to reduce the extent of the development coverage variance.
- 15 The dumpster area is proposed immediately east of the access drive and close to Viola Road. School personnel will have to traverse parking areas and the internal roadway to bring refuse to the dumpster. This is an unsafe arrangement. The dumpster must be moved to a more appropriate location in closer proximity to the school building. It must also be easily accessible to sanitation workers, and not blocked by parked vehicles.
- 16 The January 3, 2019 project narrative states that "the existing building on the premises will be removed once the new building is constructed." Will the existing single-family residence serve as a school during construction? It is unlikely that this structure can accommodate 150 students. The application materials submitted do not reference a phased construction schedule. An explanation must be provided about why the residential building is being retained during construction of the school structure. Additional information must be included in the narrative about its intended use. A construction site is not a safe environment for small children.
- 17 The project narrative includes an incomplete sentence about a March 15, 2018 Zoning Board of Appeals meeting. This missing information must be provided. If variances were granted, a map note shall be included on the Planimetric Plan that indicates what variances were granted, the date of the ZBA meeting and the resolution number.
- 18 While the proposed play area exceeds the minimum requirement, it is unclear if any recreational facilities such as playground equipment or basketball courts are to be provided. This must be clarified.
- 19 Existing trees are shown in the driveway, parking spaces and the school building. Trees to be removed must be clearly indicated on the site plan.
- 20 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.
- 21 All proposed signage shall be indicated on the site plan, and shall conform to the Town's sign standards.
- 22 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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- 23 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.
- 24 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.
- 25 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 26 Map Note 10 must be corrected as SUEZ is the water supplier.

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27 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.

28 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 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  
Monsey Fire District

Anthony R. Celentano P.E.

Talmud Torah Yeshuos Moshe Viznitz

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.*