



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 1, 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: 9/25/2019

Date Review Received: 10/10/2019

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

Special permit and final site plan applications to allow the construction of 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. A waiver of the buffer requirement is also sought from the Planning Board.

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), (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 nearly 57 percent. The floor area of the proposed school building is 65 percent greater than the permitted maximum. The applicant is seeking a 195 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.

TALMUD TORAH YESHUOS MOSHE VIZNITZ (R-2470C)

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. As noted above, the lot area is only 43 percent of the required minimum; just 60 percent of the minimum lot width is achieved. The maximum floor area ratio and development coverage are greatly exceeded. Several yard and setback variances are required, ranging from 20 to 65 percent. 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 The applicant must address the violation referenced in the Rockland County Highway Department's letter of October 15, 2019. In addition, the conditions of the Highway Department's letter of October 31, 2017 must be satisfied.

4 The applicant must comply with the conditions of the Rockland County Health Department's letter of October 21, 2019.

5 The existing well must be shown on the site plan. It shall 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 October 11, 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 of the September 25, 2019 site plan and the March 27, 2019 Turning Track Plans 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. Access to the rear of the structure will be difficult as currently configured.

9 The parking spaces must be numbered on the site plan so that the configuration deficiencies can be more easily discussed.

10 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 the six spaces immediately south of the structure, or the two northern spaces on the west side of the site, 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.

TALMUD TORAH YESHUOS MOSHE VIZNITZ (R-2470C)

- 11 The only handicapped parking space is located immediately west of the bus drop off area. The access aisle is appears to be within this area. 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.
- 12 The handicapped ramp is immediately north of the handicapped parking space making it difficult for a physically challenged person to navigate to or from a vehicle parked in the space. The ramp must be aligned with the access aisle.
- 13 Several parking spaces are awkwardly configured and will be difficult to exit, including the catty-corner spaces in the northwest corner of the parking area and the easternmost space. Since no turnaround area is provided, a driver parked in this space 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.
- 14 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.
- 15 All proposed stairways and window wells must be delineated on the site plan demonstrating that they will not impact yard and setback requirements, or increase the development coverage.
- 16 Pervious pavers shall be used in the parking area to reduce the extent of the development coverage variance.
- 17 The proposed development coverage is now 59 percent. The bulk table on previous site plans specified a development coverage of 70 percent. An explanation must be provided as to how this decrease in impervious surface area was achieved.
- 18 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified. The net lot area must be used in these calculations.
- 19 A dumpster enclosure must be shown on the site plan and easily accessible to school staff and sanitation workers. Parked vehicles must not block access.
- 20 An earlier site plan submission included a project narrative dated January 3, 2019. It stated 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.
- 21 The September 13, 2019 project narrative indicates that variances were granted for this proposal. The bulk table contains a footnote stating same. If variances were granted, a map note shall be included on the site plan that indicates what variances were granted, the date of the ZBA meeting and the resolution number.

TALMUD TORAH YESHUOS MOSHE VIZNITZ (R-2470C)

- 22 The variances for parking in the front and side yard are not specified on the site plan. All application materials shall be consistent. The status of these variances must be clarified as the ZBA resolution dated April, 2018 does not include them. The ZBA resolution must be properly dated. The October 4, 2017 GML referral to this department did not specify a variance for parking in the side yard so our October 27, 2017 GML review does not address this variance.
- 23 The proposed structure is described as a three-story, 80' x 115' building in the September 13, 2019 project narrative. It is labeled as a "Proposed 2 School With Basement" on the site plan. This label must be corrected. The dimensions shown are 85' x 90' or a 7,650 SF building footprint. All application materials must be consistent. The size of the school building must be clarified.
- 24 It is unclear if any recreational facilities such as playground equipment or basketball courts are to be provided in the required play area. This must be clarified.
- 25 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. In addition, this will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.
- 26 All proposed signage shall be indicated on the site plan, and shall conform to the Town's sign standards.
- 27 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 28 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.
- 29 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.
- 30 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.
- 31 Sheet 2 of 4 includes an Erosion Control & Sediment Control Drawing. While the limits of disturbance include .79 of the .82 acres, silt fencing is only shown in the northwest corner of the site, and around the soil stockpile. We recommend that silt fencing also be provided along the property lines, coinciding with the limits of disturbance, to protect the adjacent parcels and the county road from runoff.
- 32 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 33 Map Note 31 must be corrected to reference Sections 239-l and m of the General Municipal Law as this is a site plan application not a subdivision.
- 34 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.

TALMUD TORAH YESHUOS MOSHE VIZNITZ (R-2470C)

35 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
Monsey Fire District

Lanc & Tully Engineering and Surveying, P.C.

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.

