



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 5, 2019

Ramapo Zoning Board of Appeals
237 Route 59
Suffern, NY 10901

Tax Data: 41.15-3-22

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

Map Date: 6/17/2019

Date Review Received: 7/12/2019

Item: *YESHIVA OF SPRING VALLEY (R-1918C)*

Variances for greater than permitted development coverage and less than required parking to permit the 23,000 SF expansion of an existing 72,683 SF school located on 7.156 acres in the R-35 zoning district. Additions include a gymnasium, a multi-purpose room, four classrooms, an extension of the existing cul-de-sac with 28 new parking spaces, and a new access/drop-off road along the eastern side of the property to provide a closer drop-off location for the kindergarteners.

South side of Grandview Avenue, approximately 300 feet east of Melaney Drive

Reason for Referral:

Grandview Avenue (CR 80), NYS Route 306, Village of Wesley Hills

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 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 proposed development coverage exceeds the maximum permitted by 180%. In addition, the provided parking is deficient by almost 10%. The ability of the existing infrastructure to accommodate large educational facilities 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.

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2 The existing site is already over-developed, as is evidenced by the extent of the development coverage variance previously granted. The applicant is now proposing to add another driveway that will extend the entire length of the property, as well as constructing five new additions, and expanding the western driveway to include parking spaces. This is a non-residential use in a low-density residential neighborhood. The Town of Ramapo must consider the impact of the neighborhood character when determining whether the variance required for the expansion should be granted. In particular, the removal of vegetation that shields the school from the adjacent residents, the increased internal traffic, the glare from vehicular lights, and the intensification of noise must all be weighed when determining the impact to the surrounding community. We believe that the proposal will negatively impact the surrounding residential properties and is on over-utilization of the site and must not be permitted.

3 The school is a special permit use in the R-35 residential neighborhood and is subject to Article XI of the Zoning Code, specifically Sections 376-120 and 376-1216. The Town must be satisfied that the school expansion complies with all of the special permit standards.

4 The Town zoning regulations authorize the Zoning Board of Appeals to weigh the benefit of granting a variance "...against the detriment to the health, safety and welfare of the neighborhood or community by such grant." The subject property is a regularly-shaped parcel with sufficient lot area for the school use in the R-35 residential neighborhood. There are no unusual conditions or hardships associated with this property for which a variance would be necessary to grant relief. The application, therefore, does not represent a request for relief from a hardship, but rather is a request to overdevelop the property. Bulk requirements such as development coverage serve an important and necessary function, and should not be dismissed without cause or the identification of a legitimate hardship. We recommend that this application be disapproved, and any future development of the property remain within the requirements of the Town zoning regulations.

The following comments represent our additional concerns.

5 The Village of Wesley Hills is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern property line 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 county-wide 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 which is supportive of the goals and objectives of the general area.

The Village of Wesley Hills 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 Wesley Hills must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of July 22, 2019.

7 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.

8 A review must be completed by the County of Rockland Department of Health and any required permits obtained.

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9 The proposed school building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

10 A review of the fire truck turning radius detail 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.

11 Areas dedicated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. In addition, designating specific locations on the site for the snow piles, especially since less than the required number of parking spaces are being provided, will eliminate the loss of parking spaces meant for the employees and parents of the school.

12 Pervious pavers must be used where possible to reduce the extent of the development coverage variance.

13 Section 376-1216A.(3) requires that the project be suitably landscaped with perimeter, parking lot, and building plantings. Given the proposed driveway along the eastern side of the parcel, the applicant must supplement the landscaping along the southeast corner and the eastern property line. This is especially important since the existing vegetation is sparse and comprised of deciduous plantings. In addition, landscaping must be supplemented along the western property line of the parcel to buffer the view and sound of the increased vehicular movement. The applicant must also consider expanding the fencing along the eastern border.

14 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.

15 The revised site plan and special permit applications are subject to our review as mandated by the New York State General Municipal Law.

16 General note #1 on the site plan incorrectly refers to the wrong block as 2. This should be corrected to 3.

17 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.

18 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 Department of Highways
New York State Department of Transportation
Rockland County Sewer District #1

Atzl, Nasher, & Zigler P.C.
Village of Wesley Hills

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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.