

**DEPARTMENT OF PLANNING**

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

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

September 9, 2020

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 49.07-1-38

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

**Map Date:** 7/15/2020

**Date Review Received:** 8/6/2020

**Item:** *BNOS SCHOOL/261 ROUTE 306 (R-2510E)*

Revised final site plan application to allow the construction of a 1,680 SF addition to an existing school on a 1.2-acre site in an R-40 zoning district. Site plan approval was previously granted to allow the existing modular structures to be used as a permanent school building. Variances were required and approved for minimum lot area, side setback, total side setback, side yard, rear setback, maximum development coverage, floor area ratio, courtyard width, on-site parking and parking in the front and side yards. The applicant is seeking a waiver to permit a 25 percent reduction in the parking requirement, as well as a waiver of the buffer requirement.

West side of Route 306, approximately 225 feet north of Viola Road

**Reason for Referral:**

NYS Route 306, Village of New Hempstead, 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 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. Several substantial variances have been granted for the previous version of this proposal. Only 65 percent of the required lot area is provided. Yard and setback variances were required for the existing modular structures. The maximum permitted development coverage is currently exceeded by 175 percent. A 37.5 percent increase over the maximum permitted floor area ratio was granted. The proposed addition will likely increase the degree of non-compliance, and additional variances will be sought. The ability of the existing infrastructure to accommodate oversized schools on undersized 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 shall consider the cumulative and regional impacts of permitting such development. The addition shall not be permitted.

The following comments address our additional concerns about this proposal.

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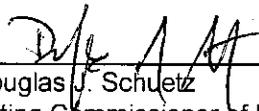
- 2 The proposed development coverage and floor area ratio are unchanged from the previously reviewed site plan dated January 27, 2019. A 1,680 SF addition will increase both the development coverage and floor area ratio. The bulk table must be updated to reflect the current proposal, and the need for variances indicated.
- 3 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified. All impervious surface area must be indicated. The gross floor area of the school buildings must be specified.
- 4 The application materials submitted with the previously reviewed site plan specified that 320 students would attend the school. The current application indicates that there will be 280 students. It seems unlikely that a larger school building is required for fewer students. The discrepancy in the size of the student body must be addressed. The total number of students must be clarified as the required recreation space and on-site parking is a function of that number.
- 5 A review must be completed by the New York State Department of Transportation, and all required permits obtained.
- 6 The Planning Consultant for the immediately adjacent Village of New Hempstead issued comments on the previous proposal in a letter dated April 25, 2018. Specific concerns include traffic and circulation, as well as site plan issues. The applicant must satisfactorily address these concerns in accordance with New York State General Municipal Law Sections 239-L, M and NN. The Village of New Hempstead and its consultants must be given the opportunity to review the current 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 New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.
- 7 The applicant must comply with the conditions of the Rockland County Health Department's August 3, 2020 letter.
- 8 The applicant must comply with the conditions of the Rockland County Sewer District #1's July 30, 2020 letter.
- 9 The applicant must satisfactorily address the concerns raised in the Rockland County Highway Department's July 30, 2020 letter.
- 10 The school structures must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 11 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.
- 12 The application materials submitted to this department for review specify only one parcel, Lot 49.07-1-38. The actual site plan includes the subject site and a portion of the parcel to the north, Lot 49.07-1-37. A connection between the two parcels is proposed. This connection is not adequately addressed in the project narrative. An explanation must be provided as to the access and circulation link between these two parcels, and how the school on Lot 49.07-1-37 relates to the subject school. In addition, a site plan that shows both lots must be submitted for our review. The bulk table must include what it proposed, and any additional variances that may be required, for both parcels.
- 13 A narrow macadam drive is shown along the northern property line, and to the north of the modular structures. It appears to serve as a pedestrian access leading to the individual modular buildings. A fire lane is proposed immediately south of the macadam drive. This is an unsafe arrangement due to the potential for traffic conflicts between pedestrians and emergency vehicles. The fire lane must be relocated or a separate sidewalk connection to the buildings provided.

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- 14 As mentioned above, the northern driveway on Lot 49.07-1-37 is serving as the access for the school on Lot 49.07-1-38. A driveway easement is no longer shown on Lot 49.07-1-37 in favor of Lot 49.07-1-38. All required easements must be shown on the map.
- 15 While the proposed on-site circulation is indicated, it must also be demonstrated that emergency vehicles and fire trucks have sufficient maneuverability to navigate between the two parcels.
- 16 While the bus drop off area is closer to the building entrance than in earlier proposals, it coincides with the parking lot access. This raises concerns about student safety. The proposed use of traffic cones to block the parking lot access must be closely monitored by school personnel.
- 17 This department is not in favor of granting parking variances or waivers for sites with frontage on a state highway. Insufficient on-site parking has the potential to negatively affect the safe and efficient flow of traffic along Route 306. Special events, such as parent-teacher conferences and assemblies, will require more than 28 parking spaces for a student body of 280. As noted above, the total number of students must be clarified so the on-site parking requirement is confirmed. Off-site parking arrangements must be in place so that large gatherings at the school can be accommodated. A reduction in the building footprint will result in fewer required parking spaces for daily operation of the school.
- 18 The current drawing includes a "proposed walk" label over what appears to be a raised island at the northeast corner of the parking lot. Several signs are also located on this feature making it unlikely that a walkway is feasible. Clarification must be provided.
- 19 Areas designated for snow removal must be clearly delineated on the site plan and in the field 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. Designated snow removal areas are especially important for this site since less than the required number of spaces are being provided.
- 20 A landscaping plan must be submitted that conforms to the special permit standards outlined in Article XII, particularly Section 376-1216.A.(3), as it relates to perimeter, parking lot and building plantings required for schools. No landscaping was shown along the western property line or most of the southern property line in previous plans.
- 21 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.
- 22 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 23 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.
- 24 The detail notes on the Grading and Utility Plan (Sheet 2 of 5) are illegible. A clearer sheet must be submitted for review.
- 25 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.

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26 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  
New York State Department of Transportation  
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.  
Village of New Hempstead

Congregation Divrei Chaim

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.*