

YESHIVA NOAM HATORAH (R-2226S)

parking spaces. A six-foot, sound-reducing fence is proposed along the entire east side of the parcel. The Town Board and Planning Board must be satisfied that this is sufficient to mitigate the visual and noise impacts associated with the driveway activity. This is especially critical since the applicant is seeking to waive the buffer requirement. Section 376-1216.A.(4) specifies that all projects shall provide proper access for fire-fighting and emergency equipment and vehicles; Section 376-1216.A.(5) requires that the school must comply with Chapter 144, Fire Prevention, of the Code of the Town of Ramapo. Emergency access and fire prevention are not addressed in the project narrative or on the layout plan. Additional information must be provided as to whether this proposal achieves the requisite special permit standards. Bulk variances cannot be granted for a special permit use if the proposal does not meet the applicable standards in Article XII.

2 The provided lot area and lot width do not meet the minimum standards for a school in the R-15 zoning district. They are deficient by 26 and 29 percent respectively. This issue was raised in our October 8, 2019 GML review of the ZBA application. It is not addressed in the current submission. The lot area and lot width variances are not noted in the bulk table, the November 13, 2019 and July 31, 2019 project narratives, or the Building Department's July 29, 2019 CDRC comments. They are not listed among the variances granted by the ZBA on October 30, 2019. Therefore, the degree of nonconformity is understated. It is imprudent to allow a special permit use on an undersized parcel with insufficient lot width. A revised application must be submitted to the ZBA. The public hearing notice must include all the variances required for this proposal.

3 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. Yard and setback variances are needed ranging from 29 to 57 percent. Only 33 percent of the required on-site parking is provided. The ability of the existing infrastructure to accommodate noncompliant educational uses on undersized, nonconforming 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. The building footprint must be reduced so that yard and setback standards are achieved, and the required on-site parking is provided.

4 Town officials, as well as Village officials in nearby Spring Valley, have previously expressed concern to this department about the increasing traffic congestion along state and county roads. The issue of pedestrian safety has been raised repeatedly. In direct contradiction to these concerns, the Town's Zoning Board of Appeals overrides our GML recommendations by granting variances to allow noncompliant development on undersized, nonconforming lots such as the subject site. Land use and traffic generation are not mutually exclusive concepts. If more intense uses are permitted, additional traffic will be generated causing increased congestion on the roadway network, and putting the walking population at greater risk. Site plan approval shall not be granted for the current proposal. As noted above, the building footprint must be reduced so that closer compliance with the special permit requirements and bulk standards is achieved.

5 This department is not in favor of granting parking variances for sites with frontage on a state or county road. The proposed on-site parking is deficient by 67 percent. The safe and efficient flow of traffic will be negatively affected if the six parking spaces prove insufficient. This is especially likely for special events such as parent-teacher conferences and school assemblies. A smaller school building with fewer staff members and a reduced student population will allow for closer conformance with the on-site parking requirement. The proposal must be scaled back.

The following comments address our additional concerns about the site plan proposal.

6 The applicant must comply with the conditions of the Rockland County Highway Department's letter of January 10, 2020.

7 The applicant must comply with the conditions of the Rockland County Health Department's letter of January 15, 2020.

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- 8 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of January 8, 2020.
- 9 The Villages of Spring Valley and Chestnut Ridge are two of the reasons this proposal was referred to this department for review. The Spring Valley municipal boundary is approximately 23 feet north of the site, within the centerline of Gerow Avenue; the Chestnut Ridge municipal boundary is approximately 301 feet south 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 Villages of Spring Valley and Chestnut Ridge 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 Villages of Spring Valley and Chestnut Ridge must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.
- 10 The proposed school building 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 Spring Valley Fire District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 12 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 13 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. This is especially critical since the on-site parking requirement is not achieved. In addition, it will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.
- 14 It will be difficult for sanitation workers to access the dumpster enclosure without impeding both pedestrian and vehicular access to the site. The dumpster enclosure must be relocated so that access to the sidewalk and site entrance is not obstructed.
- 15 As noted above, a row of ten Norway Spruce trees are proposed along the eastern property line. Given that there is only four feet between the curb and fence in this area, it is unlikely that a mature Norway Spruce will survive in this narrow space. At maturity, the spread of these trees can be between 25 to 30 feet. A more appropriate plant must be selected.
- 16 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

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17 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

18 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.

19 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.

20 There shall be no net increase in the peak rate of discharge from the site at all design points.

21 Lot mergers are one method to show an intended lot line change between two or more parcel owners. However, once a lot merger has been approved, a filed map cannot be used to convey property, nor can the tax maps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the map. The applicant and the Town must make sure that the deeds are properly filed with the Rockland County Clerk to ensure that the tax maps are updated.

22 General Note 9 must be corrected to specify Section 239 L and M of the General Municipal Law, as this is a site plan application not a subdivision.

23 General Note 13 specifies the South Spring Valley Fire District. Our records indicate that this parcel is within the Spring Valley Fire District. The appropriate fire district must be clarified.

24 The vicinity map shall include a north arrow and a scale. The subject parcel must be centered on the map.

25 The special permit application is subject to a review by this department as mandated by the New York State General Municipal Law.

26 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.

27 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 W. 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

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Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District

Civil Tec Engineering & Surveying PC
Villages of Spring Valley and Chestnut Ridge

Yeshiva Noam Hatorah

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.