



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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

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

January 21, 2020

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 41.15-3-22

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

**Map Date:** 11/6/2019

**Date Review Received:** 12/20/2019

**Item:** *YESHIVA OF SPRING VALLEY GIRLS SCHOOL (R-1918D)*

Site plan and special permit for the construction of a 23,000 SF addition to an existing 73,683 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. The applicant is also seeking a 10% parking waiver. A variance was previously granted for development coverage.

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:

### ***\*Recommend the following modifications***

1 The existing site is already over-developed, as is evidenced by the extent of the development coverage variance recently 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 site plan and special permit 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 an over-utilization of the site. The proposed development must be scaled back to more closely conform to the R-35 bulk standard for this use.

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- 2 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.
- 3 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.
- 4 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of January 2, 2020.
- 5 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of January 2, 2020.
- 6 As per their December 30, 2019 letter, an application is to be made to the Rockland County Health Department for review of the stormwater management system to ensure compliance with the County Mosquito Code.
- 7 The proposed school building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 8 The circulation for the fire trucks traverse into oncoming traffic in order to maneuver within the site. Alternate vehicle routes should be explored to determine if any other routes can resolve this issue. 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 assist with this. In addition, the fire truck turning radius must be shown to all areas designated with fire lanes - particularly showing how access will be provided to the rear of the building.
- 9 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 a parking waiver is being requested, will eliminate the loss of parking spaces meant for the employees and parents of the school.
- 10 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.
- 11 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 12 Pervious pavers must be used where possible to reduce the extent of the development coverage variance.

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- 13 Section 376-1216A.(3) requires that the project be suitably landscaped with perimeter, parking lot, and building plantings. Landscaping must be supplemented along the western property line of the parcel to buffer the view and sound of the increased vehicular movement due to the expansion of this roadway. 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 All proposed signage must conform to all Town requirements.
- 16 The project narrative and general note #1 on the site plan incorrectly refers to the wrong tax block as 2. This must be corrected to 3. If the public hearing notice was issued with the wrong parcel information, it must be reissued with the correct tax block number.
- 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
New York State Department of State  
Rockland County Department of Health  
Rockland County Department of Highways  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
  
Atzl, Nasher, & Zigler P.C.  
Village of Wesley Hills  
Ira M. Emanuel, P.C.

Mona Montal, Chief of Staff

*\*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.*

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*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.*