

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
Deputy Commissioner

February 26, 2025

New Hempstead Planning Board
108 Old Schoolhouse Road
New City, NY 10956

Tax Data: 41.20-2-41

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

Map Date: 12/31/2024

Date Review Received: 01/27/2025

Item: *Bais Malka - 48 Grandview Avenue (GML-25-0062)*

Revised site plan for the conversion of a temporary modular building to a permanent building for use as additional classroom space on a 15.91-acre campus of two existing schools in a 1R-25 zoning district. A bus parking area is also proposed to the northeast of the existing parking lot. A variance to allow the bus storage and for maximum development coverage were previously granted.

South side of Grandview Avenue, approximately 1,050 feet west of Union Road

Reason for Referral:

Grandview Av (County Route 80), Town of Ramapo, 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 As noted in the narrative, the modular classroom building was approved in 2017 to used on a temporary basis while a permanent classroom building was to be constructed. Plans for this permanent structure have, presumably, been abandoned and the applicant now wishes to use the existing modular classroom building on a permanent basis. Perhaps because the modular building was not originally intended to be used on a permanent basis, its location is less than ideal. It is located above three stormwater drywells. It is only 19.4' from the main structure to the north, with protective bollards encroaching upon this space. This raises concerns over the adequacy and maintenance of on-site drainage and emergency access between the two structures. The Village must be assured that adequate stormwater management is provided, that these structures can be effectively maintained, and that emergency access is not compromised by the narrow accessway between the two structures.
- 2 The Town of Ramapo and the Village of Wesley Hills are two of the reasons this proposal was referred to

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this department for review. The Ramapo municipal boundary is approximately 161 feet north of the site. The Wesley Hills municipal boundary is along Grandview Avenue approximately 52 feet north 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 Town of Ramapo and 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 Town of Ramapo and the Village of Wesley Hills must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 3 The applicant must comply with the comments made by the Rockland County Highway Department in their letter dated January 30, 2025.
- 4 The applicant must comply with the comments made by the County of Rockland Sewer District No. 1 in their letter dated February 5, 2025.
- 5 A review of the December 31, 2024 site plan must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
- 6 A review must be completed by the County of Rockland Office of Fire and Emergency Services, Village of New Hempstead fire inspector, or the Moleston/Hillcrest Fire Department to ensure that the site is designed in a safe manner and that there is easy access to the structure, in the event of an emergency.
- 7 In several of our previous reviews, we asked that a parking calculation be provided so that the minimum on-site parking requirement could be clarified, especially since when the special permit to install the structure was originally submitted in 2017, no parking calculation was submitted. The addition of twelve classrooms means a larger student body and more faculty. The February 23, 2020 Sanitary Sewer Analysis provided with a previous application for the site indicates an increased enrollment of 160 students. In addition, our department has also reviewed a two-story addition to the existing school building to add more classrooms. This will result in increased traffic to and from the site, and more cars parked on the site. It is unclear whether the structure complied with parking requirements when it was first approved in 2017. Therefore, a parking calculation must be provided. A variance may be required if parking requirements are not met.
- 8 Aerial imagery available to our department indicates busses park in the play area to the west of the existing two-story structure. In addition, two parking spaces and the dumpster enclosure are shown at the southern end of the play area to the west of the existing two-story structure. If this area is to continue to be used as a play area, these parking spaces and the dumpster enclosure must be removed or relocated, as they create dangerous conditions for children. If this area is to no longer be used as a play area, it must be indicated as such on the site plan, and a replacement for the play area delineated.
- 9 A total of 72 parking spaces are depicted in the parking lot on the site plan. As per the Americans with Disabilities Act, a minimum of three accessible spaces must be provided for lots with 51 to 75 spaces. At least two more accessible spaces must be provided to comply. These spaces must be located on the shortest accessible route to the accessible entrance.

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- 10 Crosswalks must be provided across the interior roadways to ensure the safe passage of people walking from the parking area to the building.
- 11 The site plan indicates six containers are located next to the temporary structure. Their intended use must be clarified. The containers must be removed if not permitted.
- 12 A 50-foot wide easement for ingress, egress, and utilities is located over the western portion of Lot 41.20-2-41.2 to the north that benefit the subject site. However, ingress and egress to the site is provided by the driveway to the east of, and outside, the easement. The location of the easement must be confirmed. If it is accurate, a new easement must be established over the driveway from which access to the site is granted.
- 13 It has come to our attention that Local Law No. 1 of 2017 (Section 290-51.1 of the Village Code) regulating temporary school buildings was repealed by the Village in 2018. However, Section 290-51.1 is still included in the Village's online code, hosted at ecode360.com. This must be removed from the online code, or a note that it was repealed (along with the date and Local Law number) must be included.
- 14 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.
- 15 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.
- 16 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process:
 - 16.1 SUEZ has been acquired by Veolia North America. Map Note 8 must be corrected accordingly.
 - 16.2 The actual building height proposed must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.



Douglas J. Schuetz
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cc: Mayor Abe Sicker, New Hempstead
Rockland County Department of Health
Rockland County Highway Department
Rockland County OFES
Rockland County Planning Board
Rockland County Sewer District No. 1
Moleston/Hillcrest Fire District
Town of Ramapo Planning Board
Village of Wesley Hills Planning Board
Anthony R. Celentano P.E.

*New York State General Municipal Law § 239(5) requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.

The review undertaken by the County of Rockland Department of Planning 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 determines whether the proposed action reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality referring the proposed action to render such opinions and make such determinations as 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.

Pursuant to New York State General Municipal Law §§ 239-m and 239-n, the referring body shall file a report of its final action with the County of Rockland Department of Planning within thirty (30) days after the final action. A referring body that 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.