

DEPARTMENT OF PLANNING

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March 1, 2021

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 62.13-2-3

62.18-2-1.2

62.18-2-1.1

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

Map Date: 1/28/2021

Date Review Received: 2/5/2021

Item: *HILLSIDE MIKVAH (R-2512D)*

Site plan application for a community mikvah and caretaker's residence on 3.17 acres in an RR-50 zoning district. Three separate tax parcels will be combined. An existing single-family dwelling will be retained on the west side of the property for use as a caretaker's residence. The mikvah will consist of 48 standard prep rooms, five specialty prep rooms, six standard pools and two specialty pools. Variances are required for front yard, front setback and development coverage.

South side of Hillside Avenue, approximately 293 feet west of Rosebud Lane, and immediately north of the New York/New Jersey border

Reason for Referral:

Village of Airmont

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. While the subject site is 83 percent larger than the minimum lot area standard, the proposed community mikvah has a substantial building footprint and requires 59 parking spaces. As a result, the maximum permitted development coverage is exceeded by 125 percent. The ability of the existing infrastructure to accommodate large community 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. The building footprint and the capacity of the mikvah must be reduced to more closely conform to the RR-50 development coverage standard.

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2 The municipal boundary of the Village of Airmont is along the north side of Hillside Ave, approximately 35 feet north of the site. The zoning designation of this section of the Village is RR-50, a rural residential district characterized by single-family dwellings on 50,000 SF lots. Most of the parcels on the north side and north of Hillside Avenue exceed the RR-50 minimum lot area requirement. The scale of the proposed mikvah is not consistent or compatible with the surrounding residential neighborhood and will have a deleterious effect on the community character. It must be reduced in size so the RR-50 bulk standards for front setback and front yard are achieved and the extent of the development coverage is lessened substantially.

The following comments address our additional concerns about this proposal.

3 The Village of Airmont is the reason this proposal was referred to this department for review. 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 Airmont 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 Airmont must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

4 An updated review of the January 28, 2021 site plan must be completed by the Rockland County Health Department. In addition, the applicant must comply with the conditions of the Health Department's letter of September 9, 2020.

5 An updated review of the January 28, 2021 site plan must be completed by the Rockland County Sewer District #1. In addition, the applicant must comply with the conditions of the Health Department's letter of August 29, 2019.

6 A truck turning analysis must be submitted and reviewed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo fire inspector, or the Tallman Fire Department to ensure that there is sufficient maneuverability on site for emergency vehicles.

7 A circular driveway configuration is shown adjacent to the south side of the structure near a building exit. Is this to be a drop-off and/or pick-up area? Its purpose must be clarified.

8 A 10 x 40 loading berth is shown to the south of the aforementioned circular driveway. It is unclear why a loading berth is needed or why it is not closer to the building. Clarification must be provided.

9 Two wells are depicted on the Grading, Drainage and Utilities Plan. The proposed wells must be installed pursuant to all requirements of Article II of the Rockland County Sanitary Code, and under permit with the Rockland County Department of Health. The Health Department must review this proposal to determine if the proposed development meets the definition of a NYS public water system. Private wells cannot be used to provide potable water to public systems.

10 The proposed location of the garbage enclosure will impede traffic flow entering and exiting the site. The garbage enclosure must be relocated to an area with less vehicular traffic.

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- 11 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- 12 A landscaping plan shall be submitted for our review. Given that front setback and front yard variances are required, sufficient landscaping must be provided along the Hillside Avenue frontage to mitigate the visual impact of the facility when seen from the adjacent Village of Airmont. The landscaping must include low evergreen plantings to prevent the headlights of vehicles parked in the diagonal spaces from shining towards the residential properties on the north side of Hillside Avenue.
- 13 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.
- 14 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. This is critical since only the required minimum number of parking spaces is provided. In addition, it will help to protect any proposed landscaping from damage due to the weight of the snow and salt intrusion.
- 15 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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- 16 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.
- 17 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.
- 18 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 19 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- 20 Different symbols are used for sidewalks and the trash enclosure in the legend and on the map. All information must be consistent. The drawings shall be revised so that the information contained in the legend is shown on the map.
- 21 General Note 7 must be revised to specify Section 239 L and M of the NYS General Municipal Law as this is a site plan application not a subdivision.
- 22 The subject site must be centered on the vicinity map.
- 23 Question 6 on the Short Environmental Assessment Form (SEAF) must be answered negatively as the proposed action is not consistent with the predominant character of the existing built or natural landscape.
- 24 Question 8A on the SEAF shall be answered affirmatively as there will be a substantial increase in traffic above present levels. Three single-family dwellings are being replaced with a 37,100 SF facility that can accommodate up to 96 visitors in one evening.

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25 Question 9 on the SEAF was answered affirmatively so information must be provided about the design features and technologies that meet or exceed the state energy code requirements.

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 J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Tallman Fire District

Civil Tec Engineering & Surveying PC
Village of Airmont

Hillside Mikvah

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.