

DEPARTMENT OF PLANNING

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February 11, 2025

Spring Valley Planning Board
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 57.45-1-37, 57.45-1-34, 57.45-1-35, 57.45-1-36, 857.45-1-37, 57.45-1-33

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

Map Date: 12/17/2024

Date Review Received: 01/15/2025

Item: *Cong. Machzikei Hadas of Belz - 1-6 North Cole Ave (GML-25-0033)*

A site plan application to expand an existing school across six parcels totaling 1.61 acres in the R-2 zoning district. Proposed improvements include a new five-story building on Lots 57.45-1-36, 57.45-1-37, and 857.45-1-37; the construction of an additional story to an existing two-story school building; and the expansion of the parking area for a total of 89 parking spaces. A special permit is required for a private school in the R-2 zoning district and for a structure of more than three stories. Variances are required for side yard, rear yard, building height, number of stories, floor area ratio, and number of parking spaces.

The southern terminus of North Cole Avenue, approximately 600 feet south of Church Street

Reason for Referral:

Town of Ramapo

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 The applicant requires a special permit and multiple variances to permit expansion of an existing school on multiple parcels. A special permit is required for a building over three stories in height and for a private school in the R-2 district. In addition to exceeding three stories, the proposed building is also 70.9 feet tall, exceeding the maximum allowed height by 103%. The floor area ratio (FAR) of both buildings combined is 1.46, grossly exceeding the permitted maximum of 0.30 by 387%. Additional yard variances are required to allow for such an oversized development. The side and rear yards are 54% and 30% deficient, respectively. 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. The ability of the existing infrastructure to accommodate oversized school buildings with increased density 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 Planning Board must consider the cumulative and regional impacts of permitting such development. The site plan must be denied, and the development significantly reduced in scale to better comply with the requirements of the R-2 zoning district.

- 2 As previously indicated, the proposed five-story building will have an overall height of 70.9 feet, exceeding the maximum allowed height by 103%. No architectural floor plans or elevations are provided. A structure of this size has the potential to create a massive block that will have a severe impact on the local streetscape and quality of life in the neighborhood. Architectural elevations are necessary to evaluate the visual impacts of the proposed structure. In addition, the site plan provided consisted of a single sheet of a planimetric site plan. No landscaping plan, sign details, lighting plan, fire truck or bus maneuvering plan, grading and utility plan, or drainage plan were provided. It is not clear how the Planning Board can determine whether the proposal meets the site plan review objectives of Section 255-40 given the provided application materials. A complete application that includes architectural floor plans and elevations, and provides detailed information about landscaping, lighting, and drainage must be provided to the Village, and forwarded to this department for review. As the Planning Board has not been provided with the information necessary to properly evaluate the proposal, the application must be disapproved.

The following comments address our additional concerns about the proposal:

- 3 The site plan bulk table and the variance sheet of the application review form each indicate that the required maximum floor area ratio (FAR) for the R-2 zoning district group B is 0.50. As per the Village's General Table of Bulk Requirements, the maximum FAR for the R-2 zoning district group B uses is 0.30. This must be corrected. In addition, the bulk table must be amended to note that a variance for number of stories is required.
- 4 The narrative provided indicates that the proposed new building will have four stories. The floor area ratio calculation on the site plan indicates that there will be five stories, plus a basement. All materials must be consistent. The public hearing notice must be reviewed and re-issued if it contains inaccurate information.
- 5 The subject site is slightly within the 100-year floodplain of a tributary of the Pascack Brook. The mapping of the 100-year floodplain is based on historical data and does not account for projected increases in extreme flooding due to climate change. The New York State Community Risk and Resiliency Act (CRRA), and subsequent modifications by the Climate Leadership and Community Protection Act (The Climate Act), addresses climate change impacts and attempts to build New York's resilience to extreme flooding. In August 2020, the New York State Department of Environmental Conservation issued the New York State Flood Risk Management Guidance of Implementation of the Community Risk and Resiliency Act (Guide), which is available at <https://www.dec.ny.gov/lands/102559.html>. This Guide acknowledges that while "FEMA [Flood Insurance Rate Maps] and [Flood Insurance Studies] contain the most thorough flood risk data... they are not intended to predict future flooding conditions." While not binding, the Guide incorporates design and siting recommendations that include increasing the vertical flood elevation, and corresponding horizontal floodplain, that result from adding two feet of freeboard to the base flood elevation for non-critical facilities.

The proposed structure, which includes a below-grade basement level, is located approximately 20 feet from the FEMA 100-year floodplain, as depicted on the site plan. While this may meet the minimum requirements for participation in the National Flood Insurance Program, the proposed structure likely does not comply with the recommendations found in the Guide, which are based on projected increases in rainfall and flooding events. This department supports the goals of the CRRA and encourages the implementation of strategies identified in the Guide. The Planning Board must consider either relocating or reducing the size of the structure to provide additional distance from the 100-year floodplain, or requiring that the proposed structure meet the design requirements for floodproofed construction, which would include eliminating the basement level.

- 6 The narrative indicates that this proposal will double the number of students and staff of the school for a total of 1,000 students and 56 staff members. Ten school buses will be utilized with shifts ranging from 7:00 AM to 6:30 PM. The property is located at the southern end of North Cole Avenue, which is primarily a residential street. Question 8.a. of the Short Environmental Assessment form indicates that the proposed action will result in a substantial increase in traffic above present levels. It is recommended that the Village request a traffic impact study from the applicant and determine how to mitigate the expected traffic impacts created by the proposal.
- 7 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of January 22, 2025.
- 8 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of January 27, 2025.
- 9 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary for Ramapo adjoins the western 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 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 with 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 to 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 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 must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 10 A fire truck turn analysis must be provided and a review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village of Spring Valley Fire Inspector, or the Spring Valley Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles. This review must address whether the District's fire equipment can sufficiently access the proposed four-story school building.
- 11 The site directly adjoins property owned by Consolidated Rail Corp to the south. CSX shall be given the opportunity to review this proposal. No construction shall be permitted to encroach into the railroad right-of-way. It is recommended that a fence be installed along the property line abutting the railroad to ensure the safety of the students.
- 12 Prior to the start of demolition, construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- 13 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 14 Question 17 of the EAF indicates that the proposed action will create storm water discharge. Question 3b indicates that the total area to be disturbed is 1.98 acres, which is greater than the one acre threshold for the creation of a stormwater pollution prevention plan (SWPPP). A 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.
- 15 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.

- 16 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.
- 17 Low evergreen landscaping or a berm must be provided in front of the parking spaces facing the edge of the lot to shield headlights from shining into the adjacent residential properties, particularly along the municipal boundary with the Town of Ramapo.
- 18 The proposed development will occupy almost the entire area of the site. Despite not having a development coverage requirement, the Village should consider the impact of the excessive amount of impervious surface on this site which can lead to increased stormwater management issues and flooding during intense storms. To help reduce the impact of this development, reduction of impervious surface should be considered. It is recommended that porous pavers or porous concrete be considered to replace the use of conventional asphalt. If installed correctly and properly maintained porous pavers have been shown to be effective in helping manage off-site runoff of stormwater. In addition to permeable pavers, other green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. For long term effectiveness of permeable pavers and other green infrastructure techniques it is recommended that the Village and the applicant review Chapter 5 “Green Infrastructure Practices” of the 2015 NYSDEC Stormwater Design Manual.
- 19 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.
- 20 All proposed signage shall be indicated on the site plan and shall conform to the sign ordinance in Chapter 209 of the Spring Valley Village Code.
- 21 Based on the DECinfo Locator (<https://gisservices.dec.ny.gov/gis/hvnm/>) the subject site is located within a “Disadvantaged Community” (DAC). These areas, as designated under The Climate Act, are those that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low-and moderate-income households. This department recommends that the Planning Board recognize this designation and the disproportionate impacts of climate change on this community caused by greater building mass and less green space, and take steps to address them locally. As part of a DAC, the urgency is heightened to invest and take action to advance the goals of the Climate Act.
- 22 This project presents an opportunity to advance the goals of the New York State Climate Leadership and Community Protection Act (the Climate Act), through the inclusion of on-site renewable energy. The Climate Act, which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. This development will result in an increased demand for energy and will pull that energy from the grid. Both buildings appear to have a large roof that may be conducive to the installation and use of solar panels. It is recommended that the potential use of on-site renewable energy be evaluated and strongly considered. Likewise, the building should be designed and constructed to maximize energy efficiency.
- 23 The proposed project presents an additional opportunity to advance the goals of The Climate Act through the inclusion of publicly available electric vehicle (EV) charging stations. One of the key strategies towards meeting this goal is the electrification of our transportation system through the expanded installation of EV charging infrastructure. With U.S. automakers predicting that approximately one-half of new vehicle sales will be electric by 2030, the availability of charging stations will likely be a positive attraction for the site and its employees and visitors. This department urges the Village and the applicant to take advantage of this opportunity and include this important infrastructure in the proposed site

improvements.

- 24 In a previous review of this site, dated December 21, 2023, the application included a 10,906 square-foot play area on the rooftop of the newly proposed structure. The current site plan does not contain a playground or any recreation area. If the rooftop play area is still proposed, additional details must be provided by the applicant to assure the Village that any potential safety issues are addressed. If the play area has been removed from the proposal, we recommend that the proposal be amended to provide some sort of recreation space for the students.
- 25 A landscaping plan with an index indicating the species, size, number, and location of plants to be used on site must be provided.
- 26 The Designated Street Line (DSL) must be indicated on the site plan. Any lot area deductions must be indicated. Any additional variances required due to a change in measurement must be submitted to this department for review, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 27 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.
- 28 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.
- 29 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:
 - 29.1 The municipal boundary must be labeled on the vicinity map.
 - 29.2 On August 20, 2024, this department reviewed an application to rezone parcels 57.45-1-36, 857.45-1-37, and 57.45-1-37 from the PLI zoning district to the R-2 zoning district. The application materials provided with this referral indicate that the rezoning was adopted, however, we have not received any confirmation from the Village. If the zone change was not adopted, this project will require a use variance as schools are not allowed in the PLI zoning district. If it was approved by the Village Board, resolutions for the amended zoning map must be filed with the New York State Department of State. The County also strongly recommends that the Village forward resolutions to the Rockland County GIS division, so that maps maintained by the County can be properly updated. These maps are a widely available resource, and ensuring their accuracy maximizes their usefulness and benefit to the public and municipalities.



Douglas J. Schuetz
Acting Commissioner of Planning

Cong. Machzikei Hadas of Belz - 1-6 North Cole Ave (GML-25-0033)

cc: Mayor Alan Simon, Spring Valley
CSX Transportation, Inc.
Federal Emergency Management Agency
Rockland County Department of Health
Rockland County OFES
Rockland County Office of Buildings and Codes
Rockland County Planning Board
Rockland County Sewer District No. 1
Spring Valley Fire District
Town of Ramapo Planning Board
Anthony R. Celentano P.E.
Civil Design Works LLC

*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.