

DEPARTMENT OF PLANNING

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May 22, 2025

Wesley Hills Planning Board
432 Route 306
Wesley Hills, NY 10952

Tax Data: 40.16-1-18, 40.16-1-17

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

Map Date: 01/09/2025

Date Review Received: 04/02/2025

Item: *Yeshiva Ohr Reuven - 259 Grandview Avenue (GML-25-0194)*

Site plan and special permit application to construct two two-story buildings with 24 units of faculty housing; expansion of an existing student dormitory adding 18 beds for a total of 54 beds; and adding 84 parking spaces for a total of 178 spaces. The subject site is located on 12.32 acres in the R-50 zoning district. Construction will be in three phases. Phase one will create the additional parking. Phase two will construct the on-site faculty housing, and phase three will expand the student dormitory. A variance will be needed for maximum impervious surface.

Northwest corner of the intersection of Grandview Avenue and Spook Rock Road, opposite Kakiat Court

Reason for Referral:

Spook Rock Rd (County Route 85), Grandview Av (County Route 80), Grandview Av (County Route 80A), Pump Station, Rockland County Sewer District No.1, Willow Tree Brook, Town of Ramapo, Village of Montebello

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

The Rockland County Planning Board reviewed this proposal at their meeting on May 8, 2025 and unanimously recommended this application be deemed incomplete. Among their reasons for deeming this application incomplete, the Planning Board expressed concern regarding a lack of information regarding traffic, which may be exacerbated by the expansions to the site including the 84 additional parking spaces. The Board also expressed concern over the lack of a firetruck-turning radius plan and the fact that the site has only one access point, which ends in a dead end. The Rockland County Department of Planning offers the following additional comments regarding this proposal:

- 1 Special permit uses are, by definition, subject to a higher standard of review than as-of-right uses. In addition to complying with the bulk requirements of the zone in which they are proposed, the school must meet the general standards for special permits outlined in Section 230-22, as well as the individual standards found in Section 230-26I. The Village must be satisfied that these requirements have been met.
- 2 The applicant must comply with the conditions of the Rockland County Department of Health's letter of May 21, 2025.
- 3 The subject site is in the vicinity of Willow Tree Brook, a County regulated stream. The applicant must comply with the comments made by the Rockland County Drainage Agency in their letter dated April 10, 2025.
- 4 The applicant must comply with all conditions made by the Rockland County Sewer District No. 1 in their letter dated April 22, 2025.
- 5 A review must be completed by the Rockland County Office of Fire and Emergency Services, Village of Wesley Hills fire inspector, or the Tallman Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on site for emergency vehicles.
- 6 The Town of Ramapo and the Village of Montebello are two of the reasons this proposal was referred to this department for review. The Town of Ramapo municipal boundary is along the eastern border of the site. The Village of Montebello municipal boundary is approximately 40 feet east of the subject property. 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 Montebello 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 Montebello must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 7 Section 230-26I(5) requires all buildings and structures have at least a 100-foot setback from adjacent residential lot lines. These setback areas must include a buffer screening area at least 35 feet in width. Section 230-26I(6) requires all driveways and unenclosed parking facilities to be setback at least 50 feet from adjacent residential lot lines, and to include a buffer screening area of at least 35 feet. The site plan indicates that along the northern boundary of the site parking spaces, a concrete retaining wall, and 6-foot vinyl fence will be placed within 11.8 feet from an adjacent residential lot line. The Planning Board must determine if this is a sufficient buffer screening area, or if a variance is required from these sections. If any variances are required, we request the opportunity to review them, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 8 Per Section 230-26I(13), a floor plan of any existing or proposed building or structure shall be submitted together with the maximum occupancy requested for each building, structure or facility. This department was not provided any floor plans. The Village shall be assured that this information has been provided.
- 9 The Rockland County Planning Board expressed concern regarding traffic along Grandview Avenue. While

the narrative suggests that the project will result in 'less vehicular traffic', a significant amount of parking is being added. Therefore it is recommended that a traffic study be conducted to determine if the proposed site changes may result in additional traffic and if any traffic mitigation is necessary.

- 10 Retaining walls 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.
- 11 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.
- 12 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 13 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.
- 14 This department appreciates the use of pervious materials for some of the proposed parking to help reduce stormwater impacts. We recommend the expansion of the use of pervious materials in the parking areas which may potentially negate the need for an impervious surface variance. In addition, other green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. For long term effectiveness of 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.
- 15 This department recommends that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer, pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local waterbodies. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website: <https://www.dec.ny.gov/get-involved/living-green/sustainable-landscaping>.
- 16 All proposed lighting must be shown on the site plan and conform to the Village requirements found in Section 230-54, Section 230-26I(8), and Section 230-26I(9) of the Village Code. If any variances are required for the lighting, we request the opportunity to review them, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 17 If any new signage is proposed, it must be shown on the site plan and conform to Article XI and Section 230-26I(10). If any variances are required for the signage, we request the opportunity to review them, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 18 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 employees or parents. In addition, designating specific areas will help to protect the landscaping from damage due to the weight of the snow and salt intrusion.
- 19 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. It is recommended that the potential use of on-site renewable energy be evaluated

and strongly considered. Likewise, the additions should be designed and constructed to maximize energy efficiency.

- 20 Additionally, one of the key strategies towards meeting NYS climate goals 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 residents, employees and school 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.
- 21 Pursuant to New York State General Municipal Law (GML) Sections 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's 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.
- 22 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County agencies are prohibited from issuing a county permit, license, or approval until the report is filed with the County's Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner's 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.
- 23 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:
 - 23.1 The Referral Form and SEAF lists the parcel acreage as 13.047 acres, This must be corrected to be consistent with the acreage listed in the narrative and site plan. All application materials must be made consistent.
 - 23.2 The Referral Form indicates the water district is Suez. This should be corrected to Veolia North America.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Highway Department
Rockland County OFES
Rockland County Planning Board
Rockland County Sewer District No. 1
Tallman Fire District
Town of Ramapo Planning Board
Village of Montebello Planning Board
Emanuel Law PC
Sparaco & Youngblood, PLLC

Yeshiva Ohr Reuven - 259 Grandview Avenue (GML-25-0194)

*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.