

To: Mayor Steven A. Vescio and the Village Board of Trustees

From: Sarah K. Yackel, AICP, Principal

Subject: 235 Elm Road – Application for Special Permit

Date: January 5, 2022

As requested we have reviewed the Special Permit Application submitted by Yeshivath Viznitz Dkhal Torath Chaim (the “Applicant” or “Yeshivah”) the lessee of the property located at 235 Elm Road (SBL: 98.19-2-11) (the “Property” or “Project Site”). The 37.16-acre Project Site is located within an R40B single-family residential district and previously housed Pace University which operated on the site under a special permit pursuant to Village Code Chapter 220-6.J.(2) as an institution of higher learning operated for profit. The Applicant is proposing to renovate certain existing buildings (i.e. Dining Hall Building, Tead House, Valley Dorm, and the Dow Hall Southern Wing) for use as a private religious education institution for approximately 250 male students ages 17 to 20 with a 10-year projected increase in students up to approximately 350. In addition, certain site improvements are proposed (i.e. repairing and re-striping existing parking lots, removing and installing new signage, identifying ADA parking and installing gates to control site access). The Applicant has submitted an application for a special permit from the Village Board of Trustees pursuant to Village Code Chapter 220-6.J.(1) places of worship, including parish houses and religious school buildings. The BOT will refer the special permit application to the Planning Board for review and recommendation. The Applicant will also apply to the Planning Board for Site Plan approval.

In support of its application, the Applicant has submitted the following documents and plans:

1. Cover letters prepared by Cuddy + Feder LLP dated December 9, 2021.
2. Revised Short Form EAF dated December 3, 2021.
3. Visual Inspection of Utility Structures prepared by Hudson Engineering and Consulting, P.C. dated December 1, 2021.
4. Building Inspection Report prepared by Max Parangi Architects P.C. for the New Dorm Building dated December 2, 2021.
5. Mechanical Engineering Report prepared by Mehendes Engineering dated September 13, 2021.
6. Municipal Services Impact Study prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture & Geology, D.P.C. last revised December 6, 2021.
7. Educational Resources Impact Study prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture & Geology, D.P.C. last revised.
8. Site Plans prepared by Hudson Engineering and Consulting, P.C. dated August 18, 2021, revised December 1, 2021 unless otherwise noted which include the following pages:
 - EX-A: Aerial Exhibit dated December 1, 2021
 - C-1: Existing Conditions Site Plan
 - C-2: Proposed Conditions Site Plan

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- U-1: Utility Structure Plan dated December 1, 2021
- S-1: Proposed Signage Plan

9. Architectural Plans for the Valley Dorm Building prepared by Max Parangi Architects P.C. dated December 3, 2021.
10. Architectural Plans for the Dow Hall Building prepared by Max Parangi Architects P.C. dated December 3, 2021.
11. Architectural Plans for the Dining Hall Building prepared by Max Parangi Architects P.C. dated December 3, 2021.
12. Architectural Plans for the Howard Johnson Hall prepared by Max Parangi Architects P.C. dated December 3, 2021.
13. Landscape Plan prepared by Aspect 120 Landscape Architecture, P.C. dated November 10, 2021.
14. Traffic Impact Study prepared by Colliers Consulting, Inc. dated December 6, 2021.

Review Comments:

Special Permit Application: We were asked to review the above documents to ensure that the Application meets certain elements of the *Required application submissions* section of Village Code Chapter 220-6D. We offer the following comments:

Chapter 220-6.D. Required application submissions.

(1) *A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special permit. The plan shall be drawn to some convenient scale, and shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, topography, special features, and any other pertinent information, including such information about neighboring properties as may be necessary to determine and provide for the enforcement of this Zoning Chapter.*

- The Applicant has submitted site plan drawings prepared by Hudson Engineering, architectural plans prepared by Max Parangi Architects PC, signage plans prepared by Hudson Engineering, and landscape plans submitted by 120 Aspect Landscape Architects.
- The Project Site is located within a R40B Single-family Residence District and has historically operated as a conforming use within the District by special permit. The Applicant is proposing the adaptive re-use of existing buildings on the site and is applying for a new special permit to operate on the site as a place of worship/religious school. No new building construction is proposed as part of the project; however

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certain site improvements as mentioned above and renovations to existing buildings will occur. Given that the project will utilize existing buildings, the proposed improvements will not result in changes to the required setbacks within the zoning district. As previously requested by memorandum from BFJ Planning to the Planning Board dated August 27, 2021, the Applicant has revised drawing C-1 to include a Zoning Conformance Table.

- Also, in our August 27, 2021 Planning Board memorandum, we made a number of requests for additional information related to landscaping, signage, maintenance, project growth projections, and architectural drawings. The Applicant has addressed these comments in its latest submission and the application generally conforms with the requirements of site plan development in Village Code Chapter 220-14.B.
- With respect to the 3% growth projection, how was this determined? We also note that any change to the currently proposed enrollment (250 students) to accommodate the projected 3% growth, including occupancy of New Dorm, will require an amendment to the special permit (if one is adopted by the Board of Trustees) and site plan unless the special permit and site plan being considered expressly allows for the projected growth and future use of New Dorm. Additionally, any other changes to the project, including an increase in occupancy, re-use of any other existing buildings, new construction, or other site improvements would also require an amendment to the special permit and site plan.

(3) A marketing study shall be provided demonstrating that a viable and robust market exists for the proposed use.

- Per Village Code §220-6(J)(1)(i), "[t]he requirement to provide a market study pursuant to §220-6D(3) shall not apply, unless otherwise required as part of the SEQRA review process. Accordingly, the Applicant has not submitted such analysis and a waiver from the requirement is not needed.

(6) A municipal service impact study shall be provided documenting impacts of the proposed use on municipal services.

- The study states (page 2) that 1978 Pace approvals permitted an enrollment of 700 residential students onsite with an additional 400 commuting students permitted to attend per day. How many actual students were enrolled (living and commuting) on the Pace campus when it closed?
- The study states (page 2) that “Faculty and staff will be able to commute or reside on campus.” The Applicant should provide more detail as to the number of faculty and staff that will reside on campus. Will they live in the dorms with students or in separate housing? If so, where? Any faculty or staff

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residing on campus should be included in the campus population in need of municipal services. Further, will any faculty or staff have families living on site?

- Page 2 of the study also states that "...very limited staff are expected to arrive or depart the Premises by personal vehicle." The Applicant should quantify "very limited" as this may impact the need for municipal services.
- Page 3 of the study states that "educational and worship activities typically occur between 6:00 a.m. and 9:00 p.m. daily." Is this on an academic calendar or year-round? Seven days per week? The study should include the duration of activities on site.
- The study states that the site is "not expected to be visited by non-student/staff or otherwise open to the public, except for parents visiting their children on rare occasions." More information should be provided as to the frequency of these visits. What is the school's policy on visitors? Does it have a policy? Can parents visit whenever they choose? Or are they only allowed for organized events? If so, how frequent are these events/occasions? The study should elaborate on the frequency of visitors and events.
- The study assumes that since the proposed project will have fewer students on the site than when it was operated by Pace that it won't have any impacts on police services and there is no need for additional manpower. However, no information about staffing levels at the time when Pace was still in operation as compared to current staffing levels is presented. Have staffing levels decreased since Pace left the site? Were staffing levels sufficient at the time when Pace still operated the site? Are they sufficient now to handle service to the site?
- The study states (page 3) that students are not permitted off-campus. Are students not allowed to walk, bike or drive into downtown? Is the institution legally allowed to not let students off-campus? How will this be enforced?
- Again, the study assumes that since the proposed project will have fewer students on the site than when it was operated by Pace it won't have any impacts on fire or emergency services. The study also only looks at equipment not staffing. The Briarcliff Manor Fire Department is a volunteer department. Volunteer levels may have changed since Pace occupied the campus. The study should discuss current volunteer staffing levels, provide information on the anticipated number of calls and determine if adequate capacity exists to safely service the site. Also, the study does not provide any information on existing EMS services in the Village. A discussion and analysis of the current capacity (equipment and staffing) of EMS services needs to be provided. Further, did Pace have any on site emergency services that decreased the need for Village municipal services? If so, this should be discussed in the analysis.

(7) An educational resources impact study shall be provided documenting impacts of the proposed use on local

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public schools.

- We generally agree with the findings of the Educational Resources Impact Study. It is unlikely that the proposed project will not generate any public-school children; however, as discussed above, will any faculty or staff have families with school aged children living on site? Would those children attend Briarcliff schools? Would any of the campus students of high school age attend Briarcliff schools?

(8) *A fiscal impact analysis shall be provided showing the likely assessed revenue flowing to the municipality from the proposed development, compared with the public services and infrastructure costs of the proposed development to be borne by the municipality. Any proposed use shall not negatively impact the financial stability of the Village, or impacted Village school districts, by reducing the anticipated ten-year tax revenue that would likely be generated by the proposed use when compared to the likely alternative of rejecting the proposed use.*

- Per Village Code §220-6(J)(1)(j), "[t]he requirement to provide a fiscal impact analysis pursuant to §220-6D(8) shall not apply unless otherwise required as part of the SEQRA review process." Accordingly, the Applicant has not submitted such analysis and a waiver from the requirement is not needed. However, the Applicant could provide the Board of Trustees, as part of its application, with a qualitative discussion of any fiscal benefits to the Village of the proposed project that might off-set any increase in the cost to provide municipal services. Will there be any local spending or local hiring?

SEQR: Finally, we have reviewed the draft Environmental Assessment Form and note that Question 9 is answered "Yes" and accordingly, a description describing design features and technologies that will exceed the state energy code requirements should be provided.

CC: David Turiano, Village Engineer/Building Inspector
Daniel Pozin, Village Attorney