



VILLAGE OF BRIARCLIFF MANOR PLANNING BOARD

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

From: Village Planning Board

Date: June 16, 2022

Subject: Yeshivath Viznitz, 235 Elm Road - Report to the Village Board of Trustees regarding Special Permit Application

At the June 9, 2022 Planning Board Meeting, the Planning Board heard a presentation on behalf of Yeshivath Viznitz Dkhal Torath Chaim (the "Applicant" or "Yeshivah") on their Application for a Special Permit for use of property located at 235 Elm Road (the "Project Site") as a "place of worship...including parish houses and religious school buildings" pursuant to Village Code § 220-6.J.(1) subject to review and approval by the Village Board of Trustees. The Application was referred to the Planning Board by the Village Board of Trustees at their June 3, 2022 meeting.

We understand that the Applicant is proposing to renovate certain existing buildings onsite (i.e. Dining Hall Building, Tead House, Valley Dorm, New Dorm, and the Dow Hall Southern Wing) for use as a private religious education institution for up to 350 male students ages 17 to 20. In addition, certain site improvements, including repairing and re-striping existing parking lots, removing and installing new signage, identifying ADA parking and installing gates to control site access are proposed.

During the June 9, 2022 meeting the Planning Board asked the Applicant a number of questions regarding the proposed project and the following issues and concerns were discussed for consideration by the Board of Trustees:

- **Baseline Condition for Analysis** – The analysis provided in support of the proposed use should not use occupancy of the Project Site by the former Pace University as the baseline condition for comparison. The Project Site has been vacant for approximately 7 years and Pace's original special permit dates back to 1978 - 44 years ago. Further, Pace was operated as a for profit institution of

higher learning, not a religious institution. Given the length of time the site has been vacant, the age of the previous approval, and the differing use of the property, occupancy of the Project Site by Pace University is not a relevant benchmark for this review process.

- **Special Events** – The Applicant should better define the types of special events that will occur onsite. A detailed list of events should be provided that specifies the type, frequency, duration and maximum attendance at these events. Will non-school related events be permitted, such as weddings? Will events be held outside on school grounds? Will attendees arrive by bus or personal vehicles?
- **Growth**
 - Application materials indicate that the site will initially have 250 students with an average annual growth in the student population of 3% over ten years for a total student population of 350. The Applicant indicated during the discussion that they are not proposing to cap annual growth at 3% per year and that the additional 100 students could come to the site any time during the 10-year period, but for analysis purposes the Applicant projected just a 3% increase per year. If this is the case, the special permit application should be amended to represent the full student population projected for the Project Site of 350. Alternatively, the Board of Trustees should cap annual growth at the rate projected by the Applicant.
 - Valley Dorm will be occupied initially with New Dorm to follow. Will both dorms be renovated prior to receipt of a COO for the project site? What is the timeline for renovating/opening New Dorm? What is the critical mass of students necessary to require utilization of this dorm? What will be the capacity of these dorms and will they support the additional students through the 350 student cap?
It is our understanding that this use permit, if granted, would not entitle the Applicant to any future expansion or enlargement beyond the occupancies and activities specifically identified in the application. Further, we note that the Applicant has further stated it has no intention of a future expansion or enlargement of its use beyond that stated in the Application.
- **Nonstudent Residents** – The Application materials are vague as to the number of staff who will be onsite overnight. Additional details are needed to better understand the number of staff onsite during nighttime hours and how these staff members will be accommodated. Where will they sleep? Will they utilize separate accommodations? How long will they stay onsite? Will they have their own cars onsite?
- **Vacant Buildings** – The Planning Board is concerned with the ongoing safety and security of vacant buildings. What measures are proposed to ensure that vacant buildings cannot be accessed by students or even the public? What security measures will be in place to assure that none of the vacant buildings becomes an attractive nuisance? Careful consideration needs to be paid to the security of vacant buildings. If buildings are to remain vacant, and the student population is not projected to grow beyond 350, should the Applicant be encouraged to demolish the unused buildings?

- **Traffic, Circulation and Other Environmental Impacts**
 - The Applicant is currently proposing to utilize the easternmost driveway off Elm Road for vehicles and buses to enter and exit the Project Site. The Planning Board is concerned that sight distances into and out of the proposed driveway are insufficient and could cause a safety hazard along Elm Road, based in part upon previous history. The Planning Board recommends that the proposed location of the site entrance and exit be moved to the main entrance of the Project Site that is further west along Elm Road. This is the previous location of the main entrance for the Project Site and provides safer access to and from the Project Site. The Applicant has mentioned but has not yet illustrated a possible request to utilize the westernmost driveway for an entrance and the easternmost driveway as an exit. Additional sight distance and driveway modifications should be provided.
 - Were deliveries included in the traffic study? The Applicant has stated that refuse would be picked up just once a week, however, that does not seem frequent enough for 350 students and staff, eating on site seven days a week.
 - Provide additional information on bus routes to and from the Site.
 - Provide additional information on the bus circulation pattern through the Site including drop-off and pick-up areas and any shelters.
 - Confirm ADA access from the bus stop and parking areas as well as between the various facilities on-site including access into and out of the various buildings.
 - Will gates at driveways be manned or remote, and what type of control will be utilized?
 - While these comments/questions arose at the meeting, the Planning Board cannot fully assess the potential traffic or other environmental impacts of the proposed use without a complete environmental assessment pursuant to the requirements of SEQRA.
- **Landscaping and Fencing** – The Applicant should consider landscaping and fencing that is appropriate to the surrounding neighborhood. The Planning Board is concerned with the proposed fencing along Tuttle Road. The proposed six-foot fence is not consistent with the character of the neighborhood and appropriate landscape treatments along the Tuttle Road frontage should be considered.
- **Use of the Remaining Project Site**
 - Why is such a large site being used, when a site a fraction of the size could accommodate the proposed student and staff population?
 - What will rest of property be used for? Will recreational fields be used?
 - How will the remainder of the outside space onsite be used and maintained? Will students have access?
 - Is the Applicant willing to consider removing the existing dilapidated and unused tennis courts along Tuttle Road, as they stated at the meeting they have no intention of ever using them in conjunction with the proposed use?

○ **Other**

- Is the Applicant proposing to close the Monticello facility?
- The numbers stated in the Application are often accompanied by nonspecific language and words such as "about." These vague modifiers are typically used when describing special events, number of commuters, number of staff to be onsite overnight, etc. The Application should be specific with respect to numerical details.

In addition, to the above questions and concerns, the Planning Board discussed some potential conditions to the special permit for the Board if Trustees' consideration, as follows:

○ **Potential Special Permit Conditions:**

- Include a cap on the total student enrollment at 350.
- Consider a cap on annual growth.
- Cap attendance at special events.
- Cap the number of annual special events allowed.
- Bind the special permit as much as possible to the numbers represented in the Application.
- Require that the entrance and exit driveway be moved to the existing main entrance drive.
- Consider some form of traffic monitoring program
- Require adequate landscaping along Elm and Tuttle Roads that is consistent and compatible with the character of the surrounding neighborhood.
- Require adequate security and public safety measures on all unoccupied buildings.
- Require that all faculty accommodations be of a temporary nature.

We thank you for the opportunity to provide our comments on the proposed Special Permit Application. Should you have any questions or comments on any of the above please do not hesitate to contact David Turiano, Village Engineer or Steven Barshov, Special Village Counsel.

Sincerely,



Malcolm Netburn, Chairman

Cc: David Turiano, Village Engineer/Building Inspector
Christine Dennett, Village Clerk
Sarah K. Yackel, Village Planner
Josh Subin, Village Counsel