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October 31, 2022

BY FEDERAL EXPRESS AND E-MAIL

Mayor Steven A. Vescio and
Members of the Board of Trustees
Briarcliff Manor Village Hall
1111 Pleasantville Road
Briarcliff Manor, NY 10510

Re: Yeshivath Viznitz
Special Permit Application
235 Elm Road, Briarcliff Manor, NY

Dear Mayor Vescio and Village Trustees:

On behalf of Yeshivath Viznitz Dkhal Torath Chaim (the “Applicant” or “Yeshivah”), we respectfully submit this letter to the Village Board of Trustees in furtherance of its application for Special Permit approval for the proposed adaptive reuse of the property located at 235 Elm Road (SBL: 98.19-2-11) (the “Premises”) as a Place of Worship/Religious School. This letter is submitted as a supplement to the Applicant’s submission dated October 12, 2022 and as an outgrowth of discussions with the Village attorney and the special counsel to the Board of Trustees on October 26, 2022.

Site Visit to Kiamesha Lake

The Applicant is actively coordinating to schedule a site visit to its Kiamesha Lake campus to provide the Board of Trustees with a first-hand observation of the Applicant’s educational practices and student lifestyle. An update on this site visit will be provided at the Board of Trustees’ November 15, 2022 meeting.

Outstanding Review Comments

The Applicant’s October 12, 2022 correspondence to the Board of Trustees acknowledged that it



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is in receipt of additional comment memoranda from the Village's consultants, including the following:

- Planning Review Memorandum prepared by Buckhurst Fish & Jacquemart, Inc. ("BFJ Planning") dated September 14, 2022 ("Planning Review Memorandum");
- Building and Fire Code Compliance Memorandum prepared by Labella P.C. dated September 15, 2022 ("Building and Fire Code Compliance Memorandum");
- Traffic Review Memorandum prepared by Provident Design Engineering dated September 13, 2022 ("September Traffic Review Memorandum");
- Landscape Architecture Review Memorandum prepared by Provident Design Engineering dated September 14, 2022 ("September Landscaping Review Memorandum");
- Civil/Site Engineering Review Memorandum prepared by Provident Design Engineering dated September 13, 2022 ("September Civil/Site Engineering Review Memorandum"); and
- Lighting Review Memorandum prepared by Lynstaar Engineering, P.C. dated September 14, 2022 ("Lighting Review Memorandum").

The Applicant's October 12, 2022 provides responses to the Planning Review Memorandum as it relates to the special permit criteria of the Village Code. It is respectfully submitted that the remainder of the outstanding comments within the above referenced review memoranda pertain to technical, site related elements of the Applicant's proposal and should be properly reviewed during the Applicant's forthcoming site plan review.

The appropriateness of deferring the remaining comments is acknowledged throughout several of the above referenced review memoranda, as indicated below. The Village Code also reserves for the Planning Board the authority to "determine that the site layout and overall appearance of all buildings in the proposed development are such that they will have a harmonious relationship with existing or permitted development of contiguous land and of adjacent neighborhoods; will have no material adverse effect upon the desirability of such neighborhoods for the residential uses contemplated by the comprehensive zoning plan; and that the purpose and intent of the zoning regulations will be met to the end that the value of buildings will be conserved and the most appropriate use of land will be encouraged."¹ The Village Code further elaborates on what

¹ Village Code Section 220-14(E).

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elements are within the Planning Board purview, which include “minimum yards and screening”², “exterior lighting”³, “existing and proposed vegetation”⁴, and “parking facilities, stormwater management facilities, or signage.”⁵

For specificity, the subject matter of the outstanding comments that should be deferred to Site Plan review as a condition of the its Special Permit Approval include the following:

- Comments on site feature details, including access gates, bus shelter, grading (acknowledged by September Traffic Memorandum, Page 7 and 14, as appropriate for Site Plan Application Approval Process);
- Sight distance comments (acknowledged by September Traffic Memorandum, Page 8 and 17, as appropriate for Site Plan Application Approval Process);
- Circulation pattern and bus route comments (acknowledged by September Traffic Memorandum, Page 10 and 22, as appropriate for Site Plan Application Approval Process);
- Event traffic comments (acknowledged by September Traffic Memorandum, Page 11, as appropriate for Site Plan Application Approval Process);
- Signage comments (acknowledged by September Traffic Memorandum, Page 19, as appropriate for Site Plan Application Approval Process);
- Construction detail comments reflected in the September Civil/Site Engineering Review Memorandum such as curb details, pavement repair details, sidewalks, striping, grading, stormwater management and erosion control;
- Landscaping and planting comments reflected in the September Landscaping Review Memorandum; and
- Lighting and photometric comments reflected in the Lighting Review Memorandum.

The Applicant also refers the Board to the Building and Fire Code Compliance Memorandum which acknowledges and accepts the Applicant’s preliminary plan for conditioning unoccupied buildings and maintaining the life-safety systems in accordance with the applicable codes.

The Applicant further respectfully submits that it has provided sufficient information for the

² Village Code Section 220-14(E)(1).

³ Village Code Section 220-14(E)(2).

⁴ Village Code Section 220-14(E)(3)

⁵ Village Code Section 220-14(F).

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Board to evaluate the applicable special permit use criteria. The Applicant submits that the Board of Trustees, as Lead Agency pursuant to the State Environmental Quality Review Act (“SEQRA”), should adopt its negative declaration finding no potential for significant adverse environmental impacts that cannot be mitigated and approve the Applicant’s special permit application so it can proceed to the Planning Board for review and evaluation of the detailed site plan elements indicated herein.

Supplement to Special Permit Criteria Responses

The Applicant’s October 12, 2022 letter provides responses to certain special permit criteria found at Section 220-6J of the Village Code. The Applicant refers to its October 12, 2022 as well as its prior correspondences which demonstrate conformance with all applicable special permit criteria.

One point of reiteration pertains to Section 220-6J(a) which provides that “the lot area shall be not less than five acres and shall have primary access from, and frontage of no less than 200 feet along, a state, county, arterial or collector road, as defined by the NYS Department of Transportation.” The Premises has a lot area of 1,618,749 s/f (37.16 acres) as shown on the Revised Engineering Site Plans prepared by Hudson Engineering & Consulting, P.C. dated August 12, 2022 (included with the Applicant’s August 30, 2022 submission to this Board). Elm Road is classified by the New York State Department of Transportation (“NYS DOT”) as a Class 17 – Major Collector and a Class 19 – Urban Local roadway and the Premises has 691.5’ of frontage along Elm Road as shown on the Revised Engineering Site Plans prepared by Hudson Engineering & Consulting, P.C. dated August 12, 2022 (included with the Applicant’s August 30, 2022 submission to this Board). The Premises complies with this requirement.⁶

Conclusion

The information herein and submitted within the Applicant’s prior submissions provides sufficient information related to the proposed Place of Worship/Religious School use. While it is

⁶ Insofar as it is determined that the site does not comply with any of the special permit criteria, including but not limited to Section 220-6J(a), the Board is empowered to grant a waiver from such criteria as detailed in the Applicant’s October 12, 2022. For the reasons set forth in the October 12, 2022 letter and all prior submission materials, granting any such waiver or waivers considering the proposed occupancy is compatible with the existing neighborhood and consistent with prior uses of the site and the Applicant’s site modifications provide an overall benefit to the public and surrounding community.



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acknowledged that there are additional comments and site related details to be addressed, those pose no significant changes to the overall operations contemplated by the Applicant and are best addressed during the Site Plan review, which is supported by both the Village Code and the various review memoranda. As such, it is requested that the Board of Trustees close the public hearing on this matter and approve the Applicant's Special Permit Application.

The Applicant looks forward to appearing before the Board of Trustees on November 15, 2022 for the continued public hearing and review of this application. Should the Board of Trustees or Village Staff have any questions in the interim, please feel free to contact the undersigned.

Thank you in advance for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "D. Patrick".

Daniel Patrick

cc: Client