

Ira M. Emanuel, Esq. | Amy Mele, Esq. Of Counsel Counsel to Freeman & Loftus, RLLP Four Laurel Road New City, NY 10956

Info@EmanuelLaw.com

www.EmanuelLaw.com

Tel: 845-634-4141

April 22, 2022

Planning Board Town of Clarkstown 10 Maple Avenue New City, NY 10956

Re: 31 West Clarkstown Road

Dear Members:

As you know, I represent the applicant in the above matter, which was last before the Board on October 20, 2021. At that time, a public hearing was held and then continued with respect to the proposed project.

The applicant originally proposed an elementary school (grades K-8) for 600 students in a 37,495sf new building. The proposal required no variances.

The major concern raised by the Board and by members of the public was the impact of the proposed school on existing traffic. It is undisputed that there are traffic congestion issues in the area, particularly along New Hempstead Road. That congestion, as the applicant's consultant testified and the Board's consultant confirmed, stemmed primarily from malfunctioning traffic signals at the intersections of the two Palisades Interstate Parkway ramps and New Hempstead Road. These signals are located in the Town of Ramapo and owned and maintained by that Town, despite being on a Rockland County highway.

The applicant's consultant also found, and the Board's consultants confirmed, that the original proposal would not add to the existing traffic congestion in any meaningful way.

Nonetheless, it became clear to the applicant that, despite the fact that it was not adding to the existing traffic problems, the proposal seemed too big for the site and location.

Since the last public hearing session, then, the applicant has taken a number of steps: (1) it has looked at the possibility of reducing the size of the project, which would necessarily reduce the traffic and other potential impacts of the school; (2) it has revised its traffic impact study based on a potential reduction in student size; and (3) it

has contacted Town of Ramapo officials to begin the process of repairing their faulty traffic signals on New Hempstead Road.

Based on the foregoing, the applicant wishes to return to the Planning Board to discuss possible adjustments to the project. The applicant reserves all rights in doing so.

# (1) Possible reduction in project size

The original project was for an elementary school with 600 students in a new building with 37,495sf of floor area. To meet the concerns expressed by the Board and the public, the applicant is willing to consider reducing the school population by 30%, to 420 students. This would be accompanied by a reduction in floor area to 31,428sf, approximately 16%. The reduction in floor area applies to classroom space. The number of classrooms would be reduced from 27 to 19 (30%). The smaller school will still require administrative offices, a lunchroom, storage space, and other common areas. Both the building's footprint and length would be reduced by about 20%. Potential floor layout plans are attached as Schedule "A".

Despite the reduction in student population, the number of bus parking spaces would remain the same. This is in direct response to concerns raised that insufficient bus parking was proposed.

The total number of daily passenger vehicle parking spaces would remain at 50 (even though the number of students and classrooms would be reduced by 30%). The total number of available parking spaces on the site could be increased to 101. This would be achieved by lining the bus parking spaces to create 30 additional parking spaces for cars when the buses are not in use (*e.g.*, for after-school activities). An additional 21 new parking spaces would be landbanked or installed with permeable paving, such as grasscrete in an unpaved area of the site. 101 parking spaces yields one parking space for every 4.2 student seats. This is triple the required parking ratio of one space for every "12 seats or students of elementary or nursery grades".<sup>1</sup> Again, this is a direct response to concerns that there was insufficient parking proposed for faculty and staff on a daily basis, and for parents at infrequent after-school events such as parent-teacher nights.

Stormwater management systems would be unchanged from the original, despite a reduction in lot coverage, thus exceeding the ten percent reduction in net runoff required by the Town for new construction.

Potential site plans are submitted herewith.

As noted above, the original proposal met all zoning requirements. The reduced proposal exceeds all zoning requirements.

<sup>&</sup>lt;sup>1</sup> Clarkstown Zoning Code, Table 2, Residential Zoning Districts Parking and Loading Requirements, Schools of general instruction. Note that the original plan, with 50 parking spaces for 600 students, complied with the required ratio.

# (2) Revised traffic impact study

With the proposed 30% reduction in student population, there is a concomitant reduction in the number of buses needed. The reduction in the number of buses is not directly proportionate due to the geographic and age distribution of served students. To that end, the applicant and its traffic consultant have studied the potential impact of the proposed reduction. That supplemental study is attached as Schedule "B".

The net result of the proposed reduction is to bring the traffic impact of the school below the 10% mitigation threshold established by Clarkstown's traffic consultants.

The supplemental traffic study also reviewed the parking needs for the smaller school. It found that the proposed fifty spaces continued to be adequate for the school's day-today parking needs based on anticipated student, faculty, and staff arrivals and departures.

## (3) Repair of Town of Ramapo traffic signals

As noted above, the applicant's consultants determined that existing traffic congestion along New Hempstead Road was caused by faulty traffic signals at the intersections of the two access ramps for the Palisades Interstate Parkway. Clarkstown's traffic consultants confirmed that determination.

These signals are owned and maintained by the Town of Ramapo, despite the fact that New Hempstead Road is a Rockland County road and the access ramps are owned and maintained by the New York State Department of Transportation.

Members of the public complained about existing congestion from these intersections to West Clarkstown Road, and sometimes beyond.

None of these issues were created by this project. None of these issues will be significantly exacerbated by this project. It is not the applicant's responsibility to fix these issues, especially since no attempted fix appears to have been contemplated by Rockland County or DOT.

Despite the foregoing, the applicant has expended its own resources to address this congestion. The undersigned personally spoke with Ramapo Supervisor Michael Specht and Ramapo Highway Superintendent Fred Brinn to (a) apprise them of the situation and (b) ask them to direct Ramapo's traffic consultant to investigate and address it.

The applicant's consultant, Michael Monteleone of Simco Engineering, then began coordinating with Ramapo's consultant, Chad Schneider of MJ Engineering. Mr. Monteleone shared his traffic studies and data with Mr. Schneider. Ramapo's consultant thereafter confirmed that its signals were malfunctioning, and that they were causing congestion. Mr. Schneider's initial recommendations are:

- determine the extent and nature of the damage to the roadway detectors that are causing the faulty operation;
- based on this examination, either repair the damaged systems or replace them with new, camera-based systems;
- observe and evaluate traffic patterns once the damaged systems become operational, and make appropriate adjustments;
- if possible, and if appropriate, coordinate the operations and timing of the signals at the access ramps with those at Buena Vista Road and West Clarkstown Road (this will require the cooperation of the Clarkstown Highway Department).

The applicant stands ready to assist Ramapo in the foregoing. It will not, however, bear the entire burden of fixing someone else's pre-existing problems.

### Request for review

The foregoing is submitted for review without prejudice. Based upon the feedback received from the Board, the applicant will evaluate whether to continue with its original proposal, or to continue with the reduced-size of the project as described above.

The applicant does this in a spirit of cooperation with the Board and the existing community. It wants to be a part of the community, not the cause of animosity. However, the applicant, too, has rights. It will act to preserve them.

Very truly yours, EMANUEL LAW P.C.

Bv:

Ira M. Emanuel, Esq.

Encls. Cc: Applicant

### SCHEDULE A

Please see separate plans packet



# 31 West Clarkstown Road Supplemental Traffic Memorandum

То:	Town of Clarkstown Planning Board
From:	Michael Monteleone (SIMCO)
Date:	March 4, 2022
Re:	Modified 31 West Clarkstown Road Development

The applicant proposed a project to construct an elementary school with 600 students in a new building with 37,495 sf of floor area at 31 West Clarkstown Road in the Town of Clarkstown. In response to comments received from the Planning Board and the public, the applicant is considering a reduction in the school population by 30%, to 420 students. As a result, SIMCO Engineering, D.P.C. (SIMCO) was requested by the applicant to study the effects of a reduced school population on traffic and parking.

#### TRIP GENERATION

Although there was a proposed reduction in the student population, certain staff were projected to remain constant including the number of custodians, administration, cafeteria workers, and the nurse. However, the number of students is directly proportional to the number of teachers and auxiliary staff required and would result in the reduction in the number of teachers by five (5) and the number of auxiliary staff by four (4). In addition, the number of buses required is also directly proportional to the number of students, it was conservatively estimated that only two (2) peak hour buses would be removed during the AM drop off and PM pick up periods. It was also conservatively estimated that the number of students dropped off during the AM peak hour and picked up during the PM peak hour by private autos or taxi would remain the same as previously estimated.

The proposed number of vehicles (school buses and private autos) projected to arrive and depart from the school by time of day based on the projected student schedules is summarized in **Table 1**.

# Table 1 - Arrival and Departure Times for Students and Staff

		Students		Students															Rolling	
15min	Bre	eakout	Bi	us	Car/	'Taxi	Custo	odians	Café	eteria	Νι	irse	Aux	illary	Ad	min	Teac	hers	15min	Hour
-			In	<b>0</b> +	10	<b>0t</b>	1	0+	1	<b>0</b> +	Im	0+	Im	<b>0</b> t	Im	<b>0</b> t	In	<b>0</b> +	Total	Total
		C:00 ANA	IN	Out	IN	Out	1	Out	IN	Out	IN	Out	In	Out	In	Out	IN	Out	1	
5:45 AIVI	-						1												1	
6:00 AIVI	-	6:15 AIVI																	0	
6:15 AM	-	6:30 AM																	0	
6:30 AM	-	6:45 AM																	0	1
6:45 AM	-	7:00 AM																	0	0
7:00 AM	-	7:15 AM							1										1	1
7:15 AM	-	7:30 AM											3				11		14	15
7:30 AM	-	7:45 AM							1		1								2	17
7:45 AM	-	8:00 AM	5		1	1	1								3				11	28
8:00 AM	-	8:15 AM		5	1	1													7	34
8:15 AM	-	8:30 AM	3		3	3									2		7		18	38
8:30 AM	-	8:45 AM	5	3	3	3													14	50
8:45 AM	-	9:00 AM		5									2						7	46
9:00 AM	-	9:15 AM																	0	39
9:15 AM	-	9:30 AM			1	1													2	23
9:30 AM	-	9:45 AM			3	3													6	15
9:45 AM	-	10:00 AM			3	3							2						8	16
10:00 AM	-	10:15 AM			2	2							_						4	20
10:15 AM	-	10.30 AM			2	2													4	22
10.30 AM	-	10:45 AM			2	2													4	20
10:45 AM	-	11:00 AM			1	1													2	14
11:00 AM	-	11.00 / W			2	2													4	14
11:15 AM	-	11:10 AM			2	2													4	1/
11:10 AM	_	11:45 AM			2	2													0	10
11.30 AM	_	12.40 PM	2										2						5	12
12:00 PM	-	12.00 PW	2	С									5						2	11
12:00 FIVI	-	12.13 FIVI	1	2										2					2	10
12.13 PIVI	-	12.30 PIVI	1	1										2			7	r	10	20
12:30 FIVI	-	12.45 PIVI	1	1										2				۲ ۲	10	20
1:00 DM	-		1	1										5				1	5	24
1:15 DM	-	1.13 FIVI		1														4	0	27
1.15 PIVI	-	1.50 PIVI																	0	24
1:30 PIVI	-	1:45 PIVI	2																0	14
1.45 PIVI	-	2.00 PIVI	2	2															2	
2:00 PIVI	-	2:15 PIVI	2	2															4	6
2:15 PM	-	2:30 PM	1	2															3	9
2:30 PIM	-	2:45 PM		1										-				4	5	14
2:45 PM	-	3:00 PM												2					2	14
3:00 PM	-	3:15 PM			1	1				1									3	13
3:15 PM	-	3:30 PM			1	1													2	12
3:30 PM	-	3:45 PM			1	1				1									3	10
3:45 PM	-	4:00 PM	_		1	1						1							3	11
4:00 PM	-	4:15 PM	2		1	1		1											5	13
4:15 PM	-	4:30 PM	1	2	1	1													5	16
4:30 PM	-	4:45 PM	1	1	1	1										3			7	20
4:45 PM	-	5:00 PM		1	1	1								3				7	13	30
5:00 PM	-	5:15 PM														2		3	5	30
5:15 PM	-	5:30 PM																	0	25
5:30 PM	-	5:45 PM																	0	18
5:45 PM	-	6:00 PM																	0	5
6:00 PM	-	6:15 PM						1											1	1
		Total	26	26	34	34	2	2	2	2	1	1	10	10	5	5	25	25	210	



#### Staff

It is projected that staff shifts would be staggered to accommodate student needs and to efficiently operate the school during the following intervals. It should be noted that the teachers and auxiliary staff would be assigned to accommodate the students in the cafeteria during lunch.

- Custodians
  - 1 custodian is projected to work from 6:00 AM 4:00 PM
  - 1 custodian is projected to work from 8:00 AM 6:00 PM
- Cafeteria Workers
  - 1 cafeteria worker is projected to work from 7:15 AM 3:00 PM
  - 1 cafeteria worker is projected to work from 7:45 AM 3:30 PM
- Nurse
  - 1 Nurse is projected to work from 7:45 AM 3:45 PM
- Administration
  - 3 administrators are projected to work from 8:00 AM 4:30 PM
  - 2 administrators are projected to work from 8:30 AM 5:00 PM
- Teachers
  - 11 teachers are projected to work from 7:30 AM 12:30/1:00 PM
  - 4 teachers are projected to work from 8:30 AM 2:30 PM
  - 3 teachers are projected to work from 8:30 AM 5:00 PM
  - 7 teachers are projected to work from 12:45 PM 4:45 PM
- Auxiliary Staff
  - $\circ~$  3 staff are projected to work from 7:30 AM 1:00 PM
  - 2 staff are projected to work from 9:00 AM 12:15 PM
  - $\circ$  2 staff are projected to work from 10:00 AM 2:45 PM
  - 3 staff are projected to work from 12:00 PM 4:45 PM

#### Buses

It is projected that buses would arrive and depart the school in the following peak intervals:

#### AM Peak

- 13 buses are projected to arrive split between these times: 7:45 AM, 8:15 AM, and 8:30 AM
- 13 buses are projected to depart split between these times: 8:00 AM, 8:30 AM, and 8:45 AM

#### PM Peak 1

- 4 buses are projected to arrive split between these times: 11:45 PM, 12:15 PM, and 12:45 PM
- 4 buses are projected to depart split between these times: 12:00 PM, 12:30 PM, and 1:00 PM

#### PM Peak 2

- 5 buses are projected to arrive split between these times: 1:45 PM, 2:00 PM, and 2:15 PM
- 5 buses are projected to depart split between these times: 2:00 PM, 2:15 PM, and 2:30 PM



PM Peak 3

- 4 buses are projected to arrive split between these times: 4:00 PM, 4:15 PM, and 4:30 PM
- 4 buses are projected to depart split between these times: 4:15 PM, 4:30 PM, and 4:45 PM

#### **PARKING**

In order to determine the project generated off-street parking demand, a parking accumulation table was developed for the proposed school using the 15-minute arrival and departure patterns of the school staff vehicles in **Table 1**. A total of 50 off-street parking spaces are proposed at the site. As identified in **Table 2**, the total 15-minute demand for off-street parking was calculated for the weekday period the school would be open (generally 6:00 AM to 6:00 PM). Based on the data, the project generated demand for off-street parking for the school peaks at 41 occupied spaces during the period between 12:30 and 12:45 PM. As a result, all projected vehicles can be accommodated throughout a weekday at the site and would never exceed an 85% parking capacity throughout the school day.

#### **TRAFFIC**

For this traffic study, projected changes in delay were used to evaluate potential traffic impacts of the proposed action. According to the Town of Clarkstown, an increase in delay of 10% or more between the No Build Condition (without the school) and Build Condition (with the school) when the No Build Condition delay is already at or beyond a mid-LOS D (delay of 45.0 seconds for signalized intersections and 30.0 seconds for unsignalized intersections) or worse is generally considered a significant adverse impact. Lane groups that decrease in level of service from LOS D to E, LOS E to F by margins less than 10% will be noted in this report but not considered significant adverse impacts. The Town of Ramapo does not have explicit quantitative traffic impact analysis criteria.

The potential traffic effects of the fully operational school were reanalyzed under the reduced 420 student scenario using Synchro. Based on a comparison between the analysis of study area intersections for the future with the proposed project (Build Condition) in 2024 and the future without the proposed project (No Build Condition) in 2024, none of the intersections studied in the Town of Clarkstown or the Town of Ramapo would meet or exceed the 10% threshold change in delay during either peak hour.

# Table 2 - Parking Accumulation

15min Breakout			St	Total Parking		
15	DIC	anout	In	Accumulation		
		E-20 AM	in O	Out	0	
5.20 AM	-	5.30 AIVI	0	0	0	
5.45 AM	-	5.45 AN	1	0	0	
5.45 AIVI	-	6.15 AM	0	0	1	
6.15 AM	_	6.30 AM	0	0	1	
6.30 AM	-	6.45 AM	0	0	1	
6:45 AM	-	7.00 AM	0	0	1	
7.00 AM	_	7.00 AM	1	0	2	
7.00 AM	_	7.10 AM	1/	0	16	
7:30 AM	-	7:45 ΔM	2	0	18	
7:45 ΔM	_	8·00 ΔM	4	0	22	
2.45 AM	_	8.00 AM	4 0	0	22	
8.00 AM	_	8.30 AM	9	0	31	
8.30 AM	-	8:45 AM	0	0	31	
8.45 AM	_		2	0	22	
9.00 AM	_	9.15 AM	0	0	33	
9·15 ΔM	_	9.30 AM	0	0	33	
9.30 AM	-	9.45 AM	0	0	33	
9.45 AM	-	10.00 AM	2	0	35	
10.00 AM	-	10.00 AM	0	0	35	
10.00 / IM	-	10:30 AM	0	0	35	
10.10 AM	-	10:45 AM	0	0	35	
10:30 / IM	-	11.00 AM	0	0	35	
11:00 AM	-	11.15 AM	0	0	35	
11.00 / IM	-	11.30 AM	0	0	35	
11:30 AM	-	11:45 AM	0	0	35	
11:45 AM	-	12:00 PM	3	0	38	
12:00 PM	-	12:15 PM	0	0	38	
12:15 PM	-	12:30 PM	0	2	36	
12:30 PM	-	12:45 PM	7	2	41	
12:45 PM	-	1:00 PM	0	8	33	
1:00 PM	-	1:15 PM	0	4	29	
1:15 PM	-	1:30 PM	0	0	29	
1:30 PM	-	1:45 PM	0	0	29	
1:45 PM	-	2:00 PM	0	0	29	
2:00 PM	-	2:15 PM	0	0	29	
2:15 PM	-	2:30 PM	0	0	29	
2:30 PM	-	2:45 PM	0	4	25	
2:45 PM	-	3:00 PM	0	2	23	
3:00 PM	-	3:15 PM	0	1	22	
3:15 PM	-	3:30 PM	0	0	22	
3:30 PM	-	3:45 PM	0	1	21	
3:45 PM	-	4:00 PM	0	1	20	
4:00 PM	-	4:15 PM	0	1	19	
4:15 PM	-	4:30 PM	0	0	19	
4:30 PM	-	4:45 PM	0	3	16	
4:45 PM	-	5:00 PM	0	10	6	
5:00 PM	-	5:15 PM	0	5	1	
5:15 PM	-	5:30 PM	0	0	1	
5:30 PM	-	5:45 PM	0	0	1	
5:45 PM	-	6:00 PM	0	0	1	
6:00 PM	-	6:15 PM	0	1	0	
		Total	45	45		