

TOWN OF RAMAPO

EMERGENCY ORDER No. 1 - 2020

On March 19, 2020, pursuant to the powers vested in the Town Supervisor by State Executive Law §24, I declared a local State of Emergency in the Town of Ramapo, which Declaration of Emergency has been renewed and is still in effect.

The Mid-Hudson Region started Phase 4 of the NY Forward Plan on July 7, 2020, which allowed public and private schools to resume educational activities, but only in compliance with New York State Department of Health (DOH) Guidance for Pre-K to Grade 12 Schools and Guidance and guidelines issued by NY Forward for Pre-K to Grade 12 School Reopening Plans, which impose social distancing requirements and other protective measures.

The purpose of this Emergency Order ("Order") is to facilitate the reopening of Pre-K to Grade 12 Schools in the Town of Ramapo for all students for the upcoming school year by allowing the use of temporary modular units or temporary porches designed and intended to expand the classroom space at private schools to accommodate the need of students, teachers and staff to observe social distancing by lowering classroom occupancy and complying with other guidance issued by DOH to protect public health.

This action is required to allow private schools to acquire and use temporary modular units or temporary porches in sufficient time to install and prepare those units to accommodate students for the upcoming school year. This Order applies to existing schools and to schools that receive all required land use approvals during the State of Emergency, and will only allow those schools to install temporary modular units or construct temporary porches needed to provide sufficient space to allow social distancing.

This Order allows the use of temporary modular units or temporary porches ("temporary units") as an accessory use to an existing school or to a school that receives land use approvals and a building permit during the State of Emergency, suspends any provision of the Town Code inconsistent with such use, and suspends any provision of Chapter 367 that would require approval of an amended site plan, special use permit or ZBA determination issued for the existing school use, since requiring approval or amendment of existing approvals for private schools would cause unnecessary delay and expense for those schools, which have suffered financial hardship due to the closure and restrictions on operations, as well as cause hardships for the students and parents, education staff and other employees, who must plan for the upcoming school year, as well as the entire Ramapo community.

Consistent with this Order, the Planning Board, Zoning Board of Appeals and CDRC should act as expeditiously as possible to review and take action on any pending land use applications for private schools; in the event a pending private school applicant needs approval for the use of temporary units during the State of Emergency, such temporary use will be considered by application made pursuant to this Order.

This Order does not apply to public schools, which are not subject to the Town's land use authority.

To facilitate the reopening plans of private schools and protect the public health, this Order creates a special advisory group to review applications for temporary units at private schools during the State of Emergency and determine whether the proposed space can be safely used on a temporary basis in a manner that will not cause any significant adverse environmental impact or adversely impact nearby residential uses. Upon favorable review and recommendation of the special advisory group, the advisory group shall authorize the Building Department to issue building permits for temporary units, subject to any conditions recommended by the special advisory group and the conditions set forth below.

I hereby determine that the issuance of this Order, and the issuance of a building permit to allow the temporary use and occupancy of temporary units to accommodate students of existing private schools in accordance with the temporary permit conditions that follow, are designated SEQR Type II actions pursuant to 6 NYCRR 617.5 (42)..

NOW, THEREFORE, pursuant to the authority vested in me as Chief Executive of the Town of Ramapo by §24 of the State Executive Law to issue emergency orders to address the declared emergency and protect the health and economic wellbeing of the residents, property owners and businesses of the Town of Ramapo, I hereby order, for the period through September 24th 2020, the following, with the anticipation that this emergency order will be renewed and continued until the current declarations of emergency by the federal, State, County and Town expire, and the use of the temporary units is no longer necessary in the Town of Ramapo to allow private schools to meet the social distancing and other measures imposed by federal and state directives.

Directive 1. This Emergency Order authorizes the use of temporary units as temporary accessory uses to a Pre-K or K-12 private school which is either existing or which has been granted all necessary land use approvals, and which is or will be authorized to operate in Phase 4 of the NY Plan, whether or not they are allowed in the zoning district, but only to the extent that they are necessary to provide sufficient space for existing students to comply with social distancing requirements and any restrictions on occupancy imposed by the COVID-19 Pandemic, and only if operated in compliance with NYS Department of Health Guidance for Pre-K to Grade 12 Schools and NY Forward Guidance for reopening private schools. The temporary modular units shall not increase the occupancy of the school beyond the occupancy limits of the permanent school building(s) shown on an approved site plan, as established pursuant to the Uniform Fire Prevention and Building Code. This Order suspends any Town Code provision inconsistent with such use.

Directive 2. This Emergency Order establishes a special advisory group, consisting of the Supervisor and/or his designee, the consulting Town engineers, the Town Attorney or his designee, and the Building Inspector, to review applications for temporary units at private schools during the State of Emergency and determine by consensus of the members whether they can be safely used on a temporary basis in a manner that will not cause any significant adverse environmental impact, adversely impact nearby residential uses, or increase the occupancy of the property. The special advisory group shall then issue a written report to the Building Department on whether such use is appropriate and recommend any conditions that should be incorporated as conditions to a building permit and/or certificate of occupancy for such units.

Directive 3. This Emergency Order authorizes the Building Inspector or his designee, upon favorable review and recommendation of the advisory group, to waive all Town Code requirements pertaining to land use review or approval of an existing private school providing Pre-K or K-12 educational activities, and issue a building permit and certificate of occupancy for the installation and use of temporary units within 10 days of the Building Department's receipt of a complete application. The building permit and certificate of occupancy shall be subject to the following requirements and any recommendations of the special advisory group:

1. An application for a building permit shall be made to the Building Department, with a sketch plan show the location of the proposed units or porches, landscaping, accessways and such other detail as may be required by the Building Department and the special advisory group to determine whether the proposed location will provide safe access for occupants and avoid or minimize any impact on neighboring properties. The applicant must be the owner or operator of an existing private school lawfully established or a pending applicant for such use, which use will be subject to reduced occupancy or increased distancing requirements imposed by Covid emergency orders.

2. Temporary units or temporary porches must comply with the New York State Uniform Fire Prevention and Building Code. Prior to issuance of a building permit, the applicant must provide the Building Inspector with certification from the manufacturer or a NYS licensed engineer or architect that the modular unit or porch complies with all laws and Code provisions applicable to the intended occupancy.

3. On review of the building permit application, the special advisory group shall issue its report and recommendations, including recommendations as to compliance with setback requirements and other bulk requirements, and the Building Inspector shall consider the applicable setback requirements and issue a building permit that complies with setback requirements to the extent necessary to avoid a significant adverse impact on neighboring properties. Other applicable bulk requirements may be waived or modified at the discretion of the Building Inspector, if recommended by the special advisory group, to permit the temporary orderly use of the modular units.

4. The Building Inspector shall require, as a condition of any building permit, that the use of temporary units pursuant to this Order not increase the number of students on the property, the need on the property for off-street parking or cause a substantial increase in traffic entering or exiting the property.

5. Temporary modular units must have all required utility connections and must receive all required governmental and utility company permits and approvals for such connections.

6. Temporary units may be occupied for the duration of the Town of Ramapo declaration of emergency issued in connection with the Covid-19 emergency. Within 90 days of termination of the emergency or termination of the restrictions on occupancy imposed on the existing school building(s), occupancy of temporary space shall be terminated. All temporary units that were allowed to be installed and occupied by this Order shall be removed within 60 days of the termination of occupancy, unless permitted by a subsequent emergency order or local law. In such event, the applicant may apply for such land use approvals as necessary to continue the use in accordance with the Town Code, which shall be subject to SEQRA review.

7. Notwithstanding the temporary use, adequate landscaping and lighting recommended by the special advisory group must be provided. Prior to issuing a certificate of occupancy, the Building Inspector shall determine that adequate landscaping, screening and lighting have been provided and will not unreasonably affect neighboring residential properties.

8. It shall be a condition of every building permit and certificate of occupancy issued for a temporary unit that:

a. drainage from such units must meet all applicable Town, State and Federal requirements for storm water management;

b. the unit(s) shall be removed at the direction of the Building Inspector in accordance with Paragraph 6 above. To ensure the removal of the unit(s), the applicant shall (1) post and maintain a bond acceptable to the Town Attorney or cash escrow sufficient to ensure the removal of the unit(s), and (2) provide the Town with an irrevocable license to enter upon the property in the event that the applicant fails to promptly remove such unit(s) at the direction of the Building Inspector and do so. In such event, the applicant shall be responsible for all attorney fees, costs and disbursements incurred by the Town to enforce the Order of Building Inspector to vacate and remove the modular unit(s);

c. all social distancing and other applicable requirements of DOH and NY Forward Guidance for the reopening and operation of a private school pursuant to the State's phased reopening plan shall be followed; and

d. in the event that the authorization for the reopening of private schools is rescinded or suspended by New York State, the use of temporary units must comply with all orders or directives issued by the Governor or pursuant to the Governor's Executive Orders.

10. Prior to issuance of a certificate of occupancy for a temporary unit, an on-site inspection is required by the Building Inspector and the Fire Inspector or their designee.

11. A building permit or certificate of occupancy issued pursuant to this Order shall be revocable at the discretion of the Building Inspector upon a finding that the Permit holder has violated the terms or conditions of the building permit or certificate of occupancy, or that the use of the temporary units constitutes a nuisance or otherwise adversely impacts upon the health, safety or welfare of the occupants or neighboring property owners or residents. Upon any such determination with respect to revocation, the applicant and any other interested parties may be given an opportunity for a due process hearing to have such permit reinstated. If reinstated, permit conditions and requirements may be imposed.

G I V E N under my hand and the Seal of the Town of Ramapo, County of Rockland, this 19th day of September, 2020.

Michael B. Specht
Town Supervisor
Town of Ramapo