

BOARD OF TRUSTEES
VILLAGE OF CHESTNUT RIDGE

NARRATIVE SUMMARY

ENDEAVOR 21+ SPECIAL PERMIT
Tax Lot 62.15-1-22

Endeavor 21+ is a not-for-profit that provides a range of programming for differently-abled adults. It works with the Threefold Educational Foundation, which also operates the Otto Specht School. Through the Otto Specht School, Endeavor 21+ began working with high school students on the autism spectrum in a program called the “Transitional Life Skills Program”.

As students age out of the program, they can continue with Endeavor 21+’s adult programming. This programming shares space, faculty, and services with the Otto Specht School on the Threefold campus. Endeavor 21+ also provides other vocational training.

By Resolution 2020-42, the Board of Trustees granted Threefold Educational Foundation and the Otto Specht School a special permit to build additional Otto Specht School facilities at 260 Hungry Hollow Road.¹ Site plan approval was subsequently granted by the Planning Board. Unfortunately, the additional facilities have not yet been built. Threefold/Otto Specht are currently before the Planning Board with an amendment to their approved site plan that reflect their current abilities and needs.

All the while, the need for Endeavor 21+’s services continue to grow, as do the Otto Specht School’s needs. Endeavor 21+ needs room to operate until such time as the new Otto Specht School building is completed. It therefore leased the adjacent property at 20 Kennedy Parkway. Endeavor 21+ wishes to operate at 20 Kennedy Parkway until such time as the Otto Specht School facility is completed.

The Endeavor 21+ program at 20 Kennedy Parkway runs Monday through Friday, from 8:30 AM to 4:00 PM, offering a diverse schedule of activities tailored to support adults of all abilities. Indoor classes maintain small groups of 4 to 5 participants, ensuring personalized attention, while outdoor classes, such as farming and hiking on the nearby

¹ Zoning Code, Use Table, RR-50 district, column D (#7) "Schools of general or religious instruction provided that there should be no residential uses upon the lot other than the guard or caretakers dwelling or dormitory subject to article 12-section 290".

Threefold Campus, can accommodate up to 8 participants, promoting larger group engagement in nature-based activities.

Morning classes at 20 Kennedy Parkway include activities such as morning stretch, music, soap making, book club, poetry, social skills, and other similar classes. Afternoon classes are similarly structured and feature individualized yoga, culinary skills, music therapy, and drama classes. This balanced schedule fosters personal growth, creativity, social connection, and skill development in a supportive and inclusive environment.

The program's parameters for enrollment prohibit individuals with active addictions, antisocial behavior, or aggressive behavioral diagnoses to ensure the safety and well-being of all participants and staff.

Endeavor 21+ asks that the special permit granted in Resolution 2020-42 be extended to include 20 Kennedy Parkway on a temporary basis until the new Otto Specht School is ready for occupancy and programming can be transferred to the new location. Given that the Otto Specht School is just now beginning the land use review process, Endeavor 21+ anticipates that the temporary permit will be needed for five years.

SEQRA and GML

This is a Type II action under SEQRA as it involves no construction, the routine activities of an educational institution, and the reuse of a residential structure for a permitted use under the Zoning Code.²

The subject site is not adjacent to, or within 500 feet of, any State or County facility requiring referral to the Rockland County Planning Department under §§ 239-1 and -m of the General Municipal Law.

Special Permit Standards

There are no specific standards for schools in the Zoning Code. Therefore, only the general standards under § 290-64 must be met.

A. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and not be detrimental to the site or adjacent properties in accordance with the zoning classification of such properties.

New York courts have discussed this type of condition:

As a starting point, it is well settled that the inclusion of a permitted use in a [*13] zoning law "is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the local community" (*Matter of WEOK Broadcasting*

² 6 N.Y.C.R.R. § 617.5(c)(1), (10), (18)

Corp. v Planning Bd. of Town of Lloyd, 79 NY2d 373, 383 [1992]; see *RPM Motors v Gulotta*, 88 AD2d 658, 658 [1982]). The same is true of a permitted use that is subject to a special use permit (see *Matter of Retail Prop. Trust v Board of Zoning Appeals of Town of Hempstead*, 98 NY2d 190, 195 [2002], *Matter of Blanchfield v Town of Hoosick*, 149 AD3d 1380, 1383 [2017]). Indeed, in terms of the project's harmony with the general zoning plan, a use subject to a special use permit is a permitted use, except that the applicant must "demonstrate compliance with the conditions legislatively imposed upon the permitted use" (*Matter of Troy Sand & Gravel Co., Inc. v Fleming*, 156 AD3d 1295, 1299 [2017] [internal quotation marks and citation omitted; emphasis added], lv denied 31 NY3d 913 [2018]). Thus, although the project requires a special use permit, [fn omitted] the proposed use is still one that is permitted and this, indeed, is "tantamount" to a finding of compatibility with Local Law No. 4 (see *Matter of Blanchfield v Town of Hoosick*, 149 AD3d at 1383).³

The program is a day program for a small group of adults. It is in an existing residential building. There will be little to no disruption of daily activity for nearby residents.

B. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous.

No construction is proposed. The program is a day program, with activities ending at 4pm. There are no weekend, evening, or overnight activities nor are there resident students or staff.

C. The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and buildings.

The building currently exists and will not be altered or expanded.

D. The proposed use will not require such additional public facilities or services, or create such fiscal burdens upon the Village greater than those which characterize uses permitted by right.

The program already exists within the Village. It is simply moving to the adjoining tax lot.

E. As a condition of all special permits and conditional use permits, right of entry for inspection with reasonable notice shall be provided for to determine compliance with the conditions of said permit.

³ *Matter of Hart v. Town of Guilderland*, 2021 N.Y. App. Div. LEXIS 4367, *12; 2021 NY Slip Op 04273

Agreed.

F. As a condition of all special permits and conditional use permits for projects located in the NS, PO, PO-R, LO, PILO and RS Districts, a limitation may be imposed upon the time period for which the permit is valid, or upon the transfer of the permit from one owner or user to another.

Not applicable. The site is in an RR-50 district.

G. As a condition of all special permits and conditional use permits for projects located in the RR-50, R-40, R-35, R-25, R-15, and RSH Districts, the special permit or conditional use permit shall remain in effect for two years from the date of issuance of the building permit to commence construction, and shall thereafter expire unless the following renewal procedure is followed:

(1) The Village shall notify the permit holder of the impending expiration 90 days prior to any expiration date. No more than 30 days prior to the expiration of the special permit or conditional use permit, the permittee shall submit an application for a certificate of compliance from the Building Inspector, who shall inspect the special permit use within 14 days to ensure compliance with the conditions of the special permit or conditional use permit. If all of the conditions of the special permit or conditional use permit have been met, the certificate of compliance shall be issued by the Building Inspector and the Building Inspector shall then extend the term of the special permit or conditional use permit for five years. After the first renewal, subsequent renewals shall be required every five years under the same procedure as the initial renewal. Applications for renewal shall be made prior to expiration, and no renewal shall be made nunc pro tunc.

(2) In the event the Building Inspector denies the certificate of compliance, the applicant may submit an application for renewal of the special permit or conditional use permit to the Planning Board or Village Board pursuant to the procedures and standards of this article governing a new special permit or conditional use permit within 60 days of the notice of denial. The original conditional use or special permit shall expire at the time that the Planning Board or Village Board renders its decision on the application for conditional use or special permit renewal. In the event the Planning Board or Village Board approves the application for conditional use or special permit renewal, the renewed permit will be considered as a new permit and will be subject to an initial two-year term as required by Subsection G above. In the event the application for a conditional use or special permit renewal is denied, the original conditional use or special permit shall expire.

(3) Special permits and conditional use permits shall expire after the time periods indicated, regardless of whether expiration notices have been sent by the Village or received by the permit holder. If any conditional use or special permit expires, the permittee may reapply for a new permit to the Planning Board or Village Board, pursuant to the procedures and standards of this article.

Agreed. However, the resolution granting the special permit should address this condition since no building permit is needed.

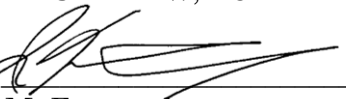
H. In addition to the general standards for conditional uses and special permits as set forth above, the approving board may, as a condition of approval of any such use, establish any other additional standards, conditions and requirements, including a limitation on hours or days of operation, as it may deem necessary or appropriate to promote the public health, safety and welfare and to otherwise implement the intent of this chapter.

Noted.

Endeavor 21+ believes that it meets the applicable special permit requirements and asks that the temporary special permit be granted. Since the special permit is to be temporary and no construction is proposed, it further asks that the requirement for site plan approval under § 290-64 be waived.

Dated: January 29, 2025
New City, New York

EMANUEL LAW, PC

By: 
Ira M. Emanuel