

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

February 26, 2019

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 74.12-1-29 74.16-1-1

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:** 12/28/2018

**Date Review Received:** 1/17/2019

**Item:** *ST. THOMAS AQUINAS DORMITORY SITE PLAN (O-1084KK)*

Site plan for a proposed 36 room, 72 bed two-story dormitory located at an existing college on 27.5 acres in the R-40 zoning district. Other changes to the existing site include the reduction of one parking space in the parking area adjacent to the building to accommodate a striped fire lane to access the relocated fire lane around the buildings and the installation of a shallow dry pond to mitigate the additional impervious area. A variance for the number of beds will be required.

North side of NYS Route 340, south side of Kings Highway, opposite Deer Park Road and Kingswood Drive

**Reason for Referral:**

NYS Route 340, Sparkill Creek, Rockland County Sewer District No. 1 facility, federal wetlands

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

- 1 As indicated in the February 19, 2019 letter from the Rockland County Drainage Agency, the project site is within their jurisdiction. Therefore, the conditions in their letter must be met.
- 2 A review must be completed by the County of Rockland Department of Health and all required permits and/or approvals obtained.
- 3 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 4 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

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5 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.

6 There shall be no net increase in the peak rate of discharge from the site at all design points.

7 Section 8.2 permits dormitories as an accessory use to schools of general instruction, and requires 1,800 sq. ft. of lot area for each dormitory bed. With the new dormitory building, the number of beds will total 728, where only 274 beds are permitted. This exceeds the maximum permitted number by over 165%. Granting variances of this magnitude can compromise the integrity of the zoning ordinance. If the Town of Orangetown wants to permit a higher ratio of dormitory beds to the lot area, then a better way of proceeding would be to amend the zoning ordinance to reflect the desired land to bed ratio for colleges and universities.

8 The proposed construction of the new 72 bed dormitory must comply with all requirements of the Dormitory Authority of the State of New York.

9 The narrative provided by Atzl, Nasher & Zigler P.C. indicates that no additional parking spaces are required as there will be no increase in the number of students or staff. A parking calculation should be provided to support that adequate parking is currently being provided.

10 The proposed new dormitory will be in very close proximity to the parking area. The proposed sidewalk is located directly adjacent to the parking spaces. Additional space should be provided between the parking lot and the sidewalk and building. This will provide both additional safety measures, as well as the ability to supplement the landscaping along the building to better shield the headlights of the vehicles from shining directly into the dormitory rooms of those living on the first floor.

11 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the residents, students, and staff of the college.

12 The location of dumpsters or trash enclosures should be shown on the site plan to ensure that they are easily accessible.

13 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v). The Narrative from Atzl, Nasher & Zigler P.C. states that a variance for the number of beds will be required. The bulk table also shows that a variance for building height will also be required.

  
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Douglas W. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Drainage Agency  
New York State Department of Transportation  
United States Army Corps of Engineers  
Federal Emergency Management Agency  
  
Atzl, Nasher & Zigler P.C.  
Dormitory Authority of the State of New York

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*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

*The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*

