



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 2, 2019

Orangetown Zoning Board of Appeals
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.16-1-1

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

Map Date: 3/29/2019

Date Review Received: 4/2/2019

Item: ST. THOMAS AQUINAS DORMITORY VARIANCES (O-1084LL)

Variations to permit a proposed 36 room, 72 bed two-story dormitory located at an existing college on 27.5 acres in the R-40 zoning district. 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. Required variations include: less than the number of parking spaces (814 spaces required, 740 spaces proposed); greater than permitted floor area ratio (.15% permitted, .194% proposed); less than the minimum lot area of 1,800 sq. ft. per dormitory bed (lot area of 492,550 sq. ft. can yield 274 beds, 728 beds proposed); less than the required minimum distance between a dormitory and interior driveway (25' required, 5' is proposed); and greater than permitted building height (25' permitted, 33.5' proposed).

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 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 2 The February 19, 2019 letter from the Rockland County Drainage Agency indicates that the project is within their jurisdiction. All conditions in this letter must be met.

ST. THOMAS AQUINAS DORMITORY VARIANCES (O-1084LL)

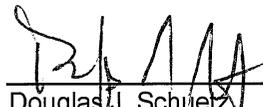
3 Section 8.2 permits dormitories as an accessory use to schools of general instruction, and requires 1,800 sq. ft. of lot area for each dormitory bed. With the new dormitory building, the number of beds will total 728, where only 274 beds are permitted. This exceeds the maximum permitted number by over 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.

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

5 Since 9% less than the required number of parking spaces are being provided, the College and Town must ensure that sufficient parking is provided for the use. This could be done by limiting students from bringing vehicles to campus for freshman and/or sophomore years, as often done by higher educational institutions. Under no circumstances can any overflow parking be located within the State highway right-of-way.

6 The proposed new dormitory will be in very close proximity to the parking area, resulting in the need for a variance. The proposed sidewalk is located directly adjacent to the parking spaces. For safety reasons, additional space must be provided between the parking lot and the sidewalk and building. This will not only provide additional safety measures, but will also provide 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. Lastly, locating the parking area and sidewalk further from the building will provide more privacy to those student residents living on the first floor facing the parking and pedestrian areas.

7 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 is especially critical since the parking is deficient. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion, as well as provide specific locations on the site for the snow piles, thereby reducing locating the snow piles in the parking spaces meant for the residents, students, and staff of the college.



Douglas J. 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

**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.*

ST. THOMAS AQUINAS DORMITORY VARIANCES (O-1084LL)

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.

