



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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County Executive

THOMAS B. VANDERBEEK, P.E.  
Acting Commissioner

January 27, 2014

ARLENE R. MILLER  
Deputy Commissioner

Ramapo Zoning Board of Appeals  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 56.20-3-50    56.20-3-49    56.20-3-48    56.20-3-47

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

**Map Date:** 6/5/2013

**Date Review Received:** 12/20/2013

**Item:** *BINYAN TORAH SCHOOL AND DORMITORY (R-1453P)*

Variances for side setback, side yard, rear setback, floor area ratio, parking in the side yard and distance from building to interior driveway to allow the construction, maintenance and use of a three-story, 31,500 SF dormitory building on 1.45 gross acres (1.25 net acres) in the R-15A zoning district. The site is comprised of four separate tax lots that will be merged. An existing two-story, 8,383 SF yeshiva is also located on the site.

South side of Dykstra Way East, 225 feet south of Old Nyack Turnpike

**Reason for Referral:**

NYS Thruway, Old Nyack Turnpike (CR 52), Hungry Hollow Road (CR 71), Villages of Spring Valley and Chestnut Ridge

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:

***\*Disapprove***

1 Pursuant to Section 376-121 of the Zoning Law of the Town of Ramapo, "dormitories are permitted, only as accessory uses to schools of general or religious instruction." The proposed dormitory is almost four times larger than the existing yeshiva. As such, it cannot be considered an accessory use. The dormitory building must be scaled back so that it conforms to the standards listed in Section 376-121.A, as well as the R-15A bulk requirements.

2 Dormitories are special permit uses subject to review and approval by the Planning Board. The special permit application is subject to a review by this department under the New York State General Municipal Law.

3 The elimination of lot lines to combine these four tax lots into one parcel will require a subdivision review by the Planning Board. This action and the site plan application are also subject to a review by this department as required by the New York State General Municipal Law.

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4 In October of 2000, this department reviewed the special permit and site plan applications for the neighborhood place of worship proposed by Congregation Me'Or Yitzchok on Lots 56.20-3-45 and 46. Several bulk variances were also required for this proposal. While a parking variance was not necessary, the Rockland County Highway Department was concerned that the seventeen parking spaces to be provided on this site were not sufficient. In response to these concerns, the Congregation indicated that they owned the adjacent parcel (56.20-3-47) and would make it available for parking. It does not appear that Lot 56.20-3-47 is being used as additional parking for the yeshiva. However, it is unclear if the overflow parking arrangement was formalized. The Town must be satisfied that Lot 56.20-3-47 is not constrained by any deed restrictions in addition to the conservation easement.

If the board votes to override the conditions of our disapproval, we offer the following recommendations on the variances required for this proposal.

5 The maximum development coverage calculation must specify whether some or all of the pervious pavement parking area is included in the computation.

6 The parking calculation on the Planimetric Plan includes the requirement for schools of general or religious instruction specified in Section 376-1216.B.(4). While the 24 parking spaces provided exceed the 11 spaces required for the school use, it is unclear if the additional 13 spaces are intended for the dormitory. The required number of parking spaces for the dormitory is to be determined by the Planning Board as indicated in the Table of General Use Requirements in Section 376-31. The project narrative does not address the dormitory parking needs or the reason for the pervious pavement parking area proposed in the northeastern corner of the site. These issues must be clarified.

7 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The ability of the existing infrastructure to accommodate a facility of this size on an environmentally constrained site is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development.

8 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.

9 A review shall be completed by the New York State Thruway Authority and any required permits obtained.

10 The existing yeshiva and the proposed dormitory building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

11 The applicant must comply with the conditions of the Rockland County Health Department's May 2, 2013 letter.

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12 The Villages of Spring Valley and Chestnut Ridge are two of the reasons this proposal was referred to this department for review. The Spring Valley municipal boundary is along the Old Nyack Turnpike, 225 feet north of the site; the Chestnut Ridge municipal boundary is along Hungry Hollow Road, 250 feet east of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Villages of Spring Valley and Chestnut Ridge must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Villages of Spring Valley and Chestnut Ridge must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.



Thomas B. Vanderbeek, P.E.  
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
New York State Thruway Authority  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
Sparaco and Youngblood, PLLC  
Villages of Spring Valley and Chestnut Ridge  
New York State Department of State,  
Division of Code Enforcement and Administration  
Binyan Torah Inc.

Rockland County Planning Board Members

*\*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.*

