



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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THOMAS B. VANDERBEEK, P.E.
Commissioner

April 8, 2014

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
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: 2/3/2014

Date Review Received: 3/6/2014

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

Special permit and site plan application for a three-story, 31,050 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:

****Recommend the following modifications***

- 1 An updated review of the February 3, 2014 site plan must be completed by the County of Rockland Department of Highways and all required permits obtained. The applicant must comply with the conditions of the Highway Department's letter of February 7, 2014.
- 2 The applicant must comply with the conditions of the County of Rockland Department of Health's March 12, 2014 letter.
- 3 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.

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- 4 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 is also subject to a review by this department as required by the New York State General Municipal Law.
- 5 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.
- 6 The maximum development coverage calculation must specify whether some or all of the pervious pavement parking area is included in the computation.
- 7 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.
- 8 A review shall be completed by the New York State Thruway Authority and any required permits obtained.
- 9 The existing yeshiva and the proposed dormitory building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 10 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 11 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 12 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

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13 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

14 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

15 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

16 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 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.

17 A turnaround area must be provided at the west side of the site so that vehicles can safely exit the two parking spaces and avoid traffic conflicts with vehicles entering the site via the western driveway.

18 The Floodplain Administrator for the Town of Ramapo shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

19 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

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20 It is unclear why the limits of the conservation easement have changed. An explanation must be provided. Does the conservation easement line coincide with the 100-year floodplain boundary, or should it coincide with the clearing limit line? The arrow for the new limit of the conservation easement is currently pointing to the 100-year floodplain line, which extends into the dormitory building. This must be clarified and/or corrected. Finally, the clearing limits of the conservation easement must be clearly delineated in the field prior to any grading or construction on site, to avoid any encroachments into this area.

21 Map Note # 33 must be updated to reflect the variances granted by the Zoning Board of Appeals.

22 The maps notes are mis-numbered and must be corrected. They jump from # 18 to # 33.

23 Map Note # 43 should be deleted as it does not apply to this project.



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
Rockland County Office of Fire and Emergency Services
Sparaco and Youngblood, PLLC
Villages of Spring Valley and Chestnut Ridge
New York State Department of State,
Division of Code Enforcement and Administration
Mendel Huss

**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.