



## **BINYAN TORAH SCHOOL AND DORMITORY (R-1453V)**

2 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 subject site exceeds the minimum lot area requirement, as well as the minimum lot width and street frontage. Therefore, the required variances are a function of the dormitory building size. 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. The dormitory structure must be scaled back to conform to the relevant special permit and bulk standards.

The following recommendations address our additional concerns about this proposal.

- 3 A review must be completed by the County of Rockland Highway Department and any required permits obtained.
- 4 A review shall be completed by the New York State Thruway Authority and any required permits obtained.
- 5 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.
- 6 A review must be completed by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 7 A review must be completed by the Rockland County Sewer District #1 and all required permits obtained.
- 8 The existing yeshiva and the proposed dormitory building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 9 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on the site and the dead-end street for fire trucks, in the event an emergency arises.
- 10 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.

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11 Additional information must be provided about the square footage of each floor of the dormitory building. It is unclear how the ground floor can be only 4,970 SF when all other floors are 7,490 SF or greater. Clarification is required.

12 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 21 parking spaces provided exceed the 17 spaces required for employees, it is unclear how they are distributed between the school and 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. This issue must be clarified.

13 Four parking spaces are shown as only eight feet wide. Section 376-71.B. specifies that the minimum parking stall width must be nine feet. A variance is therefore required for the four spaces that are less than nine feet wide. This variance must be noted on the bulk table. The public hearing notice must be revised and reissued if it did not include all required variances.

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

15 It will be difficult for a vehicle parked in the westernmost parking space to exit without a turnaround area. The proximity of the entrance drive is also a concern. As proposed, a vehicle will reverse directly into the driveway. This is an unsafe arrangement. A turnaround area must be provided.

16 There are three parking spaces shown immediately west of the school building. However, the label specifies two spaces. This must be corrected.

17 An angled parking space appears to be proposed to the west of the center driveway. This space must be labeled.

18 There is a label to the east of the school building indicating two parking spaces where none are shown. This label must be eliminated.

19 No handicapped parking spaces are indicated on the Planimetric Plan. The appropriate number of handicapped parking spaces must be provided.

20 The width and designated street line must be indicated for Dykstra's Way East so that it can be verified that the front yard and front setback are conforming.

21 The Planimetric Plan includes notes specifying a 5,158 SF recreation area and a 3,047 SF play area. Clarification be provided as to the distinction between the two areas.

22 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

23 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
Rockland County Department of Highways  
United States Army Corps of Engineers  
Rockland County Sewer District #1  
New York State Thruway Authority  
Rockland County Department of Health  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
  
Sparaco & Youngblood, PLLC  
Villages of Spring Valley and Chestnut Ridge

Mendel Huss

Mona Montal, Chief of Staff  
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.*

*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.*