



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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THOMAS B. VANDERBEEK, P.E.
Commissioner

February 4, 2014

ARLENE R. MILLER
Deputy Commissioner

Spring Valley Planning Board
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 57.55-1-56 57.55-1-55

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

Map Date: 10/24/2013

Date Review Received: 1/22/2014

Item: *BAIS MEDRASH OF ROCKLAND (SV-789D)*

Site plan for a two-story, 13,626 SF seminary and dormitory building on .5371 acres in a POR zoning district. An existing structure will be demolished, and a temporary trailer will be removed upon completion of the new building.

South side of East Funston Avenue, east side of South Main Street

Reason for Referral:

South Main Street (NYS Route 45)

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***

Seminaries are allowed as a special permit use in the POR zoning district subject to Section 255-27 of the Village of Spring Valley's Zoning Code. Dormitories are also permitted in this zone as an accessory use to a seminary. The individual standards and requirements for dormitories are listed in Section 255-28.B. The revised proposal before us fails to meet several of the special permit standards as well as many of the POR zoning district bulk standards. By definition, a special permit use is held to a higher standard of review. This proposal is deficient on numerous levels.

The required minimum lot area of 1,800 SF per dormitory bed is not achieved for the current 18 students. This minimum must be exclusive of the area allocated and devoted to the principal and other accessory buildings including the required yards and/or setback, buffers and parking facilities for said buildings as required in Section 255-28.B.(1). The narrative indicates that ultimately 50 students will reside in the dormitory. This parcel cannot accommodate a 178 percent increase in the number of resident students. It cannot accommodate the current 18 students.

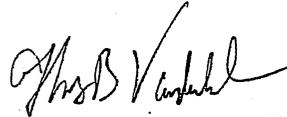
The parking calculation information indicated on the planimetric plan is incorrect. One parking space is required for each 200 SF of seminary floor area, but not less than one space for each four

BAIS MEDRASH OF ROCKLAND (SV-789D)

seats. It is unclear what portion of the proposed 13,626 SF is dedicated to the seminary and to the dormitory. By our calculations, a minimum of 13, and a maximum of 68 parking spaces are required for this project. The proposed on-site parking is deficient using either standard.

Dormitories are subject to additional use requirements as outlined in Section A-7.E.(1). A minimum buffer of 50 feet is required for this use. The appropriate buffer cannot be provided between the proposed building and the adjacent single-family residence. The seminary/dormitory building is now only ten feet from the eastern property line. A six-foot fence is proposed along the this property line with no additional landscaping. An exterior staircase is within three feet of the lot line. As per Section 1024.3 of the New York State Building Code, exterior balconies, stairways and ramps shall be located at least 10 feet from adjacent lot lines. Given the educational and residential nature of the proposed building, it must fully comply with all requirements of the New York State Uniform Fire Prevention and Building Code. Any deviations from this Code will require a New York State variance.

This revised proposal, as currently configured, does not meet the higher standards required for special permit uses or the POR bulk requirements. Maintaining the temporary trailer in its current location results in an increased impact on the residential property to the east. The applicant must scale back the project and limit the number of resident students to more closely conform to Sections 255-27 and 255-28, as well as the POR bulk standards. In addition, the revised proposal must minimize the impact to the adjacent residential property to the east, as well as the state highway. As noted in Michael Kauker's December 5, 2013 memorandum, a better overall design can be accomplished by locating the proposed building in the center of the site with parking provided to the east of the building.



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

cc: Mayor Demeza Delhomme, Spring Valley
New York State Department of Transportation
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Sparaco & Youngblood, PLLC
New York State Department of State,
Division of Code Enforcement and Administration
Nissan Portnoy

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.