

Mosdos Chofetz Chaim

Kiryas Radin Campus Religious Educational Community Project



February 10, 2010

**To the Town Of Ramapo
Building and Planning Department,**

We have re-submitted before you for SEQRA review, the site plan for the Mosdos Chofetz Chaim Inc. - Kiryas Radin Campus Project.

The project is a religious educational community that includes housing of scholars, and students who follow the teachings, and philosophies of the Torah and Talmud as taught by our founder and teacher Rabbi Israel Mayer Kagan, (otherwise known as the Chofetz Chaim of blessed memory,) to enable us to fulfill our religious obligations and missions.

The review being sought is for matters that were found to be lacking in the original written review record of the project before the planning board during the review process from 2002 through 2005. The project plan was submitted to the Town of Ramapo Planning board for your review and recommendations. Subsequently the plans were approved by the Planning Board for site plan approval, all permits were obtained and the project was built to completion.

The court has determined that a second review is required limited to the matters found to be insufficient in the original decision. The order states "The Planning Board failed to identify all relevant areas of environmental concern, take the required "hard look" at those areas of environmental concern and make a written "reasoned elaboration" of the basis for its determination.

Specifically the court further states "The Board failed to adequately address relevant potential impacts from the site, in particular, the character of the community and the impact on traffic.

“The Board failed to identify or address the potential impact of the site plan and increased density on the character of the surrounding community of low density single family residences, particularly in light of the exemption of the site from the buffer requirements applicable to other sites.”

Therefore the following matters must be readdressed by the planning board

- 1- *"The incompatibility of the proposed use of this site with the surrounding community was noted by the County of Rockland Department of Planning in its letter dated November 22, 2004 and its previous letters dated July 3, 2003 and April 15, 2004, issued on prior submissions of the application before enactment of the ASHL.*
- 2- *The traffic issues raised by the County Department of Highways and by the applicant's consultants' findings as to the existence of at least one Level "F" intersection were not adequately addressed by the Board.*

The court says as follows:

As to traffic impacts, the Board considered a 2003 traffic study prepared by the applicant's consultant which indicated that the level of operation at the intersection at Grandview Avenue and New Hempstead/Union Road was at Level "F" ("failing") during weekday peak a.m. hours, and would continue to operate at this level under a 2008 no build analysis, and that the intersection of Grandview Avenue and Route 306 operated at a Level "C". This study was updated by letter dated November 29, 2004 which indicated that there was no change in these prior findings.

In its letter dated March 29, 2004, the County Department of Highways raised concerns as to the use of slide gates, and possible stacking of vehicles in Grandview Avenue and required a traffic impact study to analyze the proposed entrance and/or possible improvements of turning movements on the site. In its letter dated November 15, 2004, the County Department of Highways stated that "[w]e see no information in the traffic study to assist in this evaluation" and indicated concern with the use of slide gates for entering and exiting the property and possible stacking of vehicles along Grandview Avenue due to cars waiting to enter the facility. The Board did not respond to this comment or consider the issues raised except to refer in the negative declaration to a barrier separated off road bus stop as a mitigating measure.

The Court therefore concludes that the traffic issues raised by the County Department of Highways and by the applicant's consultants' findings as to the existence of at least one Level "F" intersection were not adequately addressed by the Board

HISTORY

The Yeshiva was founded by the saintly Rabbi Israel Mayer Kagan in Radin Poland in 1864. The Yeshiva in Radin was a Torah learning community and a communal center for religious advancement with over four hundred students. The yeshiva was incorporated in the United States in 1925. The Yeshiva Chofetz Chaim has continuously been active in Jewish life and has been teaching religious studies since it's founding (*except for a short period during the Holocaust*) and has resided in the Town of Ramapo for over fifty years.

PURPOSE

This proposed yeshiva campus is a single religious facility that will serve the immediate needs of our yeshiva and its unique congregation. As per our Jewish religious customs this is a learning community for intense Torah study, charitable works, outreach, and center for continuous religious practice and advancement that is centered on a “Yeshiva”. Part of our belief and philosophy of Torah study and religious practice is that one not only can learn from a great Rabbi and scholar in a lecture or classroom setting, but that people constantly learn from each other. The creation of a Torah community and this religious campus is in furtherance of our religion and our religious goals.

LEGAL

We ask that you keep in mind that it is now established law that municipalities are not allowed to regulate religion under the color of zoning or other municipal codes. In 2000, Congress passed the Religious Land Use and Institutionalized Persons Act known as RLUIPA. We ask that in addition to the review under SEQRA the planning board make a clear determination about this project under the special protections provided to religious uses under RLUIPA.

CONTINUATION OF CURRENT USE

Please be advised that in building this project we are continuing our current use of the subject property as Yeshiva, study hall, synagogue and religious housing. We have been using the property as a yeshiva campus with all its related uses since 1997. At this time we urgently need to make full use of our facilities to accommodate our needs for our religious community of prayer, charity, and learning.

PROJECT SCOPE

This campus has a synagogue, prayer / study hall, classrooms, library/Tamudic research center, dining facilities, living facilities and a Mikvah. The main synagogue building has the library/Talmudic research center, dining hall, classrooms and mikvah. The residential facilities consist of two story-attached units utilized in two bedroom and four bedroom unit layouts. These yeshiva community-housing facilities are for the use of religious mission for advancement to the Chofetz Chaim way of life, students, teachers, and their families.

As per the request by the Town of Ramapo we have redesigned the site several times and created an athletically pleasing design with articulated rooflines and plenty of landscaped screening. The plan as constructed stated the land use bulk table as per the Town code for educational campus housing for married students. Although this bulk table and use group is for secular institutions and does not meet all of our religious needs and requirements, we have used this as a guidepost in designing our project and constructed the project as per our planning board and zoning board approvals. We built the community and units to be roomy and sufficient for our students and fellow community members.

FIRE SAFETY

All streets, roads and major walkways are wide enough for fire trucks and emergency access. There is a fire hydrant within 400 feet of all parts of the entire project and therefore when we asked permission from United Water to allow us to install an additional hydrant in the center of the project they refused. We have designed all the buildings on the site with full automatic fire sprinkler systems and automatic alarm systems connected to Rockland County fire control center.

MAINTENANCE

We provide for our own sanitation service and are responsible for all road maintenance, snow removal and upkeep on the site. Furthermore the over 100 children living in our religious learning community will not be using the public school system thereby saving the school district hundreds of thousands dollars per year. (At approximately \$12,000. per child.)

PLANNING REVIEW UNDER RLUIPA

We ask the planning board to review the project at once to see if any rightful competing compelling governmental interest is at stake that would not allow this project pursuant to the RLUIPA law. If no compelling governmental interest is found then the board should vote to allow this unique project to go forward as is due the federal RLUIPA legislation.

We strongly request that in addition to any finding under the Town of Ramapo codes allowing this project, specific mention of the planning boards review of the project under RLUIPA be added to the written determination.

As the first religious community educational religious project built in Ramapo under the protections afforded by the Religious Land Use law of 2000, "RLUIPA", we are an example of a carefully planned religious project that is an asset to our neighbors and will serve the community with our unique and important religious services as intended by the framers of RLUIPA and as passed into law by Congress.

We have now attached hereto and submitted an extensive review of each matter raised by the court. A subsequent traffic review of the traffic done for a similar project in the same area further addresses the single traffic signal and intersection issue raised in the courts order. Photos of this and other sites from the time this site was used as a US army missile bases and what such sites looked like after being abandoned and subsequently used to house the homeless for a short time (under the McKinney Act) then being abandoned for years once again, show the drastic improvement brought to the entire area by removing dilapidated and abandoned buildings and the compatibility of the design of this project to the surrounding uses as built.

We feel the attached Supplemental Environmental Statement addresses all the requirements of review provided in the courts order, and provides a reasoned clearly articulated response to all matters raised by the court, the issues of traffic and community character.

We are confident that after review of all the documents submitted, the planning board will once again give a negative determination, finding no negative environmental impacts that need to be mitigated, and will further find the project is an asset to the community and a improvement to the area.

Thank You

Rabbi Zaks

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