



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

December 24, 2013

ARLENE R. MILLER
Deputy Commissioner

Chestnut Ridge Planning Board
277-279 Old Nyack Turnpike
Chestnut Ridge, NY 10977

Tax Data: 63.09-1-1

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

Map Date: 7/25/2013

Date Review Received: 12/4/2013

Item: *FOX DEVELOPMENT/UNEEDA HOLDING, LLC. (CR-193B)*

Site plan to modify a purchase agreement for the property which was approved in 1987. This agreement included a condition that the existing house, walks, driveway were to remain during life tenancy of the seller, and then be removed and replaced with grasscrete. This site plan is requesting that the house remain, and instead be converted to office space in a PI zoning district on 4.3 acres. Northeast corner of Scotland Road and Chestnut Ridge Road

Reason for Referral:

Chestnut Ridge Road (State 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:

****Recommend the following modifications***

- 1 An updated review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 Low evergreen landscaping or a berm must be provided in front of the parking spaces facing the roadway to shield headlights from shining into oncoming vehicles traveling on the road.
- 3 A review must be completed by the County of Rockland Department of Health and any required permits obtained.

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

cc: Mayor Rosario Presti, Jr., Chestnut Ridge
New York State Department of Transportation

FOX DEVELOPMENT/UNEEDA HOLDING, LLC. (CR-193B)

Rockland County Department of Health
Brooker Engineering, PLLC

**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.