



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

December 18, 2014

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 62.16-1-34

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

**Map Date:** 4/16/2014

**Date Review Received:** 11/19/2014

**Item:** *ARTIS SENIOR LIVING, LLC ZONE TEXT AMENDMENT PETITION (CR-228)*

Zoning text amendment to allow "Assisted Living Residences" as a special permit use in the NS zoning district.

Appropriately sized parcels within the NS zone in the Village of Chestnut Ridge.

**Reason for Referral:**

NYS Route 45, Red Schoolhouse Road (CR 41)

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***

The Village of Chestnut Ridge's Neighborhood Shopping (NS) Zoning District is centered on the intersection of NYS Route 45 (Chestnut Ridge Road) and Red Schoolhouse Road. Only one parcel within the NS district is undeveloped. This parcel and an additional five developed lots meet the minimum lot area requirement of 75,000 SF proposed for Assisted Living Residences. Given that all of the NS-zoned parcels front on either Chestnut Ridge Road or Red Schoolhouse Road, our primary concerns are the effect of a proposed Assisted Living Residence on the safe and efficient flow of traffic along the state highway and the county road. With that in mind, we offer the following recommendations.

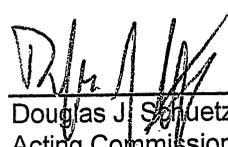
**ARTIS SENIOR LIVING, LLC ZONE TEXT AMENDMENT PETITION (CR-228)**

1 The proposed parking requirement is half a parking space per unit. Documentation, including a 1996 Institute of Traffic Engineers paper, has been submitted to validate this on-site parking requirement as sufficient on a day-to-day basis. The "Senior Housing Trip Generation and Parking Demand Characteristics" paper acknowledges that the peak demand for parking is on Mothers' Day, and many facilities run out of visitor parking on that day. We believe that excess demand may also occur during seasonal holidays when schoolchildren and scout troops visit such facilities to fulfill community service obligations. Off-site parking arrangements will be necessary to accommodate overflow parking needs on peak demand days. Future applicants must be required to submit proof of such arrangements. Curbside parking is not appropriate on the state highway or the county road. A shortage of on-site parking can also result in vehicles stacking along the roadway. Both of these situations will create unsafe traffic conditions, and must not be permitted.

2 With regard to the proposed text amendment, Section 16.A. specifies a minimum lot area requirement for the NS-zoned portion of the property. For clarification purposes, the parcels that are within more than one zoning district must be identified. It appears that at least three lots on the northwest side of Chestnut Ridge Road are only partially within the NS zoning district.

3 Section 16.I. is unclear. We believe the sentence should conclude after the word "feet." The addition of "from an Assisted Living Unit bedroom" seems inappropriate.

4 The Short Environmental Assessment Form for the Artis Senior Living proposal indicates the incorrect tax lot identification number for the site. It must be changed to 62.16-1-34.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge  
New York State Department of Transportation  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Brooker Engineering, PLLC  
New York State Department of State,  
Division of Code Enforcement and Administration  
Ira M. Emanuel, P.C.  
Max Ferentinos, Vice President

*\*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.*