

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

June 17, 2016

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

**Tax Data:**

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

**Date Review Received:** 5/20/2016

**Item:** *VILLAGE OF CHESTNUT RIDGE (CR-233)*

Local Law to amend Article XVIII of the Zoning Ordinance of the Village of Chestnut Ridge, pertaining to the definitions of "Cellar" and "Gross Floor Area."

Throughout the RR-50, R-40, R-35, R-25 and R-15 zoning districts

**Reason for Referral:**

State and County roads, parks, streams and facilities, and adjacent municipalities

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***

We believe the Village's proposal to allow subterranean space as additional living areas for families will accommodate the needs of larger families while preserving the community character of existing neighborhoods. We concur that this space must be constructed in a manner that complies with the New York State Fire and Building Codes. Requiring that the structure housing the subterranean space (or the space itself) does not encroach on any other bulk or dimensional requirement of the zoning district where the structure is located will ensure that disproportionately large structures are discouraged.

We offer the following recommendation.

1 Compliance with the New York State Fire and Building Codes must be specifically referenced in the amended Zoning Code text as it relates to using subterranean space as additional living area.

**VILLAGE OF CHESTNUT RIDGE (CR-233)**

  
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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  
New York State Department of State,  
Division of Code Enforcement & Administration  
Rockland County Office of Fire and Emergency Services  
  
Towns of Clarkstown, Orangetown and Ramapo  
Villages of Airmont and Spring Valley  
  
Florence Mandel, Village Clerk

*\*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.*