

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 21, 2016

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

Tax Data: 57.17-2-37 57.17-2-36 57.17-2-35 57.17-2-34 57.17-2-33

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

Map Date: 3/23/2016

Date Review Received: 5/24/2016

Item: *STRULI OSTER (CR-229D)*

Site plan application for two semi-attached, single-family residences on .4132 acres in an R-15 zoning district. The two parcels are Lots 2 and 3 of a three-lot subdivision of .7299 acres. A detached single-family residence is proposed on Lot 1 which is .3167 acres. Lots 2 and 3 are each .2066 acres.

West side of Sima Lane, north of the New York State Thruway and opposite Gilman Terrace

Reason for Referral:

NYS Thruway, Old Nyack Turnpike (CR 52), Town of Ramapo

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 A review shall be completed by the New York State Thruway Authority and any required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.
- 3 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 495 feet north of the site. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Chestnut Ridge.
- 4 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

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5 An updated review of the March 23, 2016 site plan must be completed by the Rockland County Sewer District No. 1 and all required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District No. 1's letter of March 30, 2016.

6 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

7 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

8 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

9 There shall be no net increase in the peak rate of discharge from the site at all design points.

10 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

11 Clearing limit lines must be indicated in the field prior to the start of grading and construction on the site.

12 General Note #9 on Drawing Number 1 must be corrected to indicate that the site plan does not conflict with Section 239L & M of the General Municipal Law.

13 This site plan proposal includes the land area contained in Lots 57.17-2-33, 34 and part of 35. However, the GML referral form, application materials and the site plan reference the five lots comprising the subdivision and the entire land area. This must be corrected. Only the lots and acreage comprising proposed Lots 2 and 3 shall be referenced in this site plan application.

14 The bulk table indicates that variances were granted in July of 2015. Map Note #34 and the ZBA resolution on Drawing 4 specify September 29, 2015 as the date the variances were granted. All application materials must be consistent. The correct date must be indicated.

15 The vicinity map on the site plan must include a north arrow.

16 Several types of trees and shrubs listed on the Plant List are not shown on the site plan. These species must be removed from the Plant List.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge
New York State Thruway Authority
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Sewer District #1
New York State Department of State,

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Division of Code Enforcement & Administration
South Spring Valley Fire District

Civil Tec Engineering & Surveying PC
Town of Ramapo

Struli Oster

**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.

