

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 22, 2017

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

Tax Data: 68.05-2-41

68.09-2-2

68.09-2-1

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

Map Date: 7/21/2017

Date Review Received: 7/26/2017

Item: *CHESTNUT RIDGE ASSOCIATES LLC (CR-8H)*

Proposed filling and grading plan for a portion of an 11.56-acre parcel in the LO zoning district. This parcel is part of a three-lot assemblage totaling 14.6 acres. The applicant proposes to eventually develop the entire assemblage.

North side of Sephar Lane, east side of Red Schoolhouse Road and the NYS Thruway

Reason for Referral:

Red Schoolhouse Road (CR 41), NYS Thruway, Federal Wetlands

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 must be completed by the Rockland County Highway Department and all required permits obtained.
- 2 A review must be completed by the New York State Thruway Authority and all required permits obtained.
- 3 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 4 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.

CHESTNUT RIDGE ASSOCIATES LLC (CR-8H)

6 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.

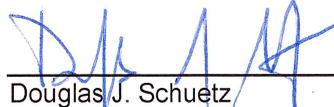
7 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

8 The future development of these three parcels is subject to a review by this department as mandated by the New York State General Municipal Law.

9 The transmittal letter, the GML referral form and the project narrative reference three separate tax parcels but the same tax identification number is indicated for two of the parcels. The 1.94-acre lot is actually Lot 68.09-2-2. This must be corrected on all application materials. In addition, the tax identification number for each parcel must be indicated on the Fill and Grading Plan.

10 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

11 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge
Rockland County Department of Highways
New York State Thruway Authority
United States Army Corps of Engineers
Rockland County Department of Health
AFR Engineering and Land Surveying, P.C.

Chestnut Ridge Associates LLC

**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.*

CHESTNUT RIDGE ASSOCIATES LLC (CR-8H)

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.

