

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 18, 2018

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: 9/18/2018

Item: *VILLAGE OF CHESTNUT RIDGE - PLACES OF WORSHIP (CR-235A)*

An amendment to the zoning regulations to define and regulate Residential Gathering Places, Neighborhood Places of Worship, and Community Places of Worship in order to allow for an appropriate range of religious uses as is required by law, without resulting in impacts to existing neighborhood character; and to establish expiration limits and renewal procedures for Special Permits and Conditional Uses. Residential Gathering Places and Neighborhood Places of Worship are proposed to be allowed as Conditional Uses. Community Places of Worship will be allowed by Special Permit.

All zoning districts except LO and PI (Community Places of Worship only); zoning districts RR-50, R-40, R-35, R-25, and R-15 (Residential Gathering Places and Neighborhood Places of Worship); zoning districts RR-50, R-40, R-35, R-25, R-15, and RSH (establishment of expiration limits and renewal procedures)

Reason for Referral:

Towns of Ramapo, Clarkstown and Orangetown, Villages of Airmont and Spring Valley, State and County roads, parks, streams, and facilities.

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 Proximity to the adjacent Towns of Ramapo, Orangetown, and Clarkstown and the Villages of Airmont and Spring Valley is one of the reasons this proposal was referred to this department for review. As required under Section 239nn of the State General Municipal Law, these municipalities must be given the opportunity to review the proposed zoning amendment and provide any concerns related to it to the Village of Chestnut Ridge.
- 2 The last sentence in Article XII-17.D refers to a Special Permit. This must be corrected to Conditional Use.

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- 3 Article XII-17.D states that if certain accessory uses are proposed, then the use shall no longer be considered a Residential Gathering Place. However, there is no additional information regarding the status of an application if these accessory uses are proposed. This section must be clarified.
- 4 The proposed text amending Article XII and establishing expiration limits and renewal procedures begins at paragraph F but does not include a subsection. The text must specify it is amending Article XII-1.
- 5 The definition for Residential Gathering Place states that gatherings shall not exceed 49 persons, the maximum number allowable by the New York State Uniform Fire Prevention and Building Code, or the maximum allowable according to Section 17.B or Article XII, whichever is less. The criteria in Section 17.B should also cross reference the definition to provide the maximum number of non-residents permitted.
- 6 Under no circumstances can off-site parking for Residential Gathering Places or Neighborhood Places of Worship be permitted on the right-of-way of a State or County road.
- 7 Screening must be required in front of any parking area facing a roadway to shield headlights.
- 8 Lighting for Residential Gathering Places, Neighborhood Places of Worship, and Community Places of Worship must not exceed 0.1 candle lumens at the property line.
- 9 The expiration dates and renewal procedure outlined in Article XII.1-G(1) and XII.1-G(2) only refer to Special Permits. These sections must be amended to refer to both Special Permits and Conditional Uses.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Maximilian Stach, AICP
Towns of Ramapo, Clarkstown & Orangetown
Villages of Airmont & Spring Valley

**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.