

**DEPARTMENT OF PLANNING**

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

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

March 26, 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:** 2/23/2018

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

An amendment to the zoning regulations to define and regulate Residential Places of Worship, 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. Residential 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 (Community Places of Worship only); zoning districts RR-50, R-40, R-35, R-25, and R-15 (Residential and Neighborhood Places of Worship)

**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 first sentence of Section 17.F refers to a neighborhood place of worship. This must be corrected to residential.

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3 Section 17.F uses the word "should" when describing the location of required parking, presumably to state a preference that parking be provided on site. However, this wording could be interpreted to mean that it is not required to provide all necessary parking. This section must be altered to explicitly state that all parking must be provided, either on-site or off-site, subject to the conditions stated in that section.

4 In order to ensure the safety of pedestrians, off-site parking for residential houses of worship must be subject to the availability of sidewalks or suitable walkways between the subject properties.

5 The proposed change to the Table of Use for the PI zoning district refers outdoor and commercial recreation uses. Assuming the intent was to add community places of worship to this zoning district, this section must be corrected.

6 The Accessory Use and Off-Street Parking columns of the Table of General Use must be updated to reflect the addition of the proposed new uses.

  
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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.*