Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 30, 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: 11/1/2018

Item: ***VILLAGE OF CHESTNUT RIDGE - RED SCHOOL HOUSE ROAD CORRIDOR STUDY (CR-239)***

A land use study and plan for a 302-acre corridor centered on Red Schoolhouse Road, with recommendations for changes to land use regulations and transportation improvements.

A study area around Red Schoolhouse Road, from the southern boundary of the Village and running northward to the intersection with Chestnut Ridge Road (NYS Route 45).

Reason for Referral:

Town of Orangetown, Pascack Brook, Red Schoolhouse Road (CR 41), South Pascack Road (CR 35), Chestnut Ridge Road (NYS Route 45), Garden State Parkway North Extension

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

Centrally located within the Village of Chestnut Ridge, and with access to the Garden State Parkway, the Red Schoolhouse Road corridor presents opportunities for economic growth, housing development, and the creation of a social and community center for the Village. The recommendations of the report focus on changes to land use regulations in various subsections of the corridor, and transportation projects to improve access to the Garden State Parkway, enhance traffic flow, and promote pedestrian- and bicycle-friendly infrastructure advancements. These recommendations are consistent with the stated goals of the Rockland County Comprehensive Plan of promoting mixed-use development and alternative modes of transportation.

The County welcomes this opportunity to review this study and offers the following comments:

VILLAGE OF CHESTNUT RIDGE - RED SCHOOL HOUSE ROAD CORRIDOR STUDY (CR-239)

1 The report recommends the rezoning of several areas, the creation of a new zoning district (PILO - Planned Industry Laboratory Office) and a Planned Unit Development (PUD) floating zone, and the establishment of incentive zoning to induce developers to make infrastructure improvements. The enactment of any of these changes, individually or as a group, is subject to review by the Rockland County Planning Department under General Municipal Law, and must be forwarded to this department.

2 The recommended PILO zoning district is described as a combination of permitted uses from the PI and LO zoning district. Each zoning district has several uses that are allowed as Conditional Uses or Special Permit Uses. The Conditional Use and Special Permit applications provide an opportunity for an increased level of scrutiny of significant projects. The report should clarify its recommendation regarding which uses are allowed by right, Conditional Use, or Special Permit in the proposed zoning district. Similarly, proposals making use of the recommended PUD floating zone must only be allowed by either Conditional Use or Special Permit.

3 Currently TOR Bus Route 92 operates along Red Schoolhouse Road. Infrastructure improvements and large-scale residential or commercial development may present opportunities to expand and improve service to the area. Discussions should be held with the Rockland County Department of Public Transportation to discuss mutual goals and opportunities.

4 Section 5.2 does not include complete maps for areas 3a, 3b, 4, and 5. Maps of all sub-areas must be provided.

5 There are no references in the text of the study for Appendix A and Figures 1, 3, 4, 8, 10, 11 and 12. The text must be revised in appropriate sections to include references to these items and explain their inclusion and meaning.

Douglas J. Schuetz
Acting Commissioner of Planning

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

Maximilian Stach, AICP - NP&V
Town of Orangetown Planning Board

**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.