Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 24, 2018

Chestnut Ridge Zoning Board of Appeals
277 Old Nyack Turnpike
Chestnut Ridge, NY 10977

Tax Data: 62.07-1-73

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/2/2018 **Date Review Received:** 4/26/2018

Item: ***SHAIN RESIDENTIAL TRUST (CR-237)***

Floor area ratio variance to permit the demolition of an existing single-family dwelling, and construction of a new single-family dwelling, located in the R-25 zoning district on .519 acres.
East side of Saddle River Road, approximately 155 feet south of Andrew Drive

Reason for Referral:

Saddle River Road (CR 73), Village of Airmont

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 County of Rockland Department of Highways and any concerns addressed and required permits obtained.

2 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.

3 A review must be completed by the Rockland County Department of Health to ensure compliance with the County Mosquito Code.

4 The Village of Airmont is one of the reasons this proposal was referred to this department for review. The municipal boundary is in the centerline of Saddle River Road, just west of the property line of the site. As required under Section 239nn of the State General Municipal Law, the Village of Airmont must be given the opportunity to review the proposed variance, and provide any concerns related to the project to the Village of Chestnut Ridge.

SHAIN RESIDENTIAL TRUST (CR-237)

5 The site plan provided has been reduced, and is not to scale, making a proper review impossible. A to-scale map must be provided. In addition the site plan must include a north arrow, especially since the orientation of the map is different than that in the vicinity map, and map notes with district information must also be provided.

Douglas J. Schuetz
Acting Commissioner of Planning

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

Anthony R. Celentano P.L.S.
Village of Airmont
Joseph A. Churgin, Savad Churgin, LLP

**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.