Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 17, 2018

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

Tax Data: 68.13-1-1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/19/2018 **Date Review Received:** 7/25/2018

Item: ***TRAILING RIDGE (CR-236A)***

A site plan and conditional use application to construct an inground swimming pool, cabana, tennis court, bike/walk path, play area, fencing, and parking to serve the residents of a townhouse condominium project currently under construction in the Borough of Montvale, NJ. The parcel is 1.474 acres in the LO zoning district. Variances have been granted for lot width, side setback, total side setback, side yard, and swimming pool setback to the property line.

West side of Red Schoolhouse Road, directly north of the New York/New Jersey boundary, and approximately 245 feet south of Loescher Lane.

Reason for Referral:

Red Schoolhouse Road (CR 41)

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 The applicant must comply with all comments made by the Rockland County Department of Highways in their letter of July 23, 2018.

2 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of July 27, 2018.

3 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of August 6, 2018.

4 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.

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5 There shall be no net increase in the peak rate of discharge from the site at all design points.

6 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

7 If the proposed six-foot high vinyl fence is not designed to be constructed of solid-type panels, then additional evergreen landscaping must be provided along the entire northern portion of the site, along the portion of the property that is adjacent to the RS zoning district. This will help to shield headlights from the parking area and act as a buffer for this parcel.

8 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

9 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

10 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

11 The Village shall be satisfied that the proposal complies with the general standards for conditional use permits found in Article XII.1 of the Village Zoning Law, as well as the additional standards for recreation facilities found in Article XII.6.

12 The bulk table indicates that a variance of the rear yard has been granted. However, no measurement from the rear lot line is shown on the site plan. In addition, both the application narrative and the June 18, 2018 resolution from the Chestnut Ridge Zoning Board of Appeals do not refer to a rear yard variance as being necessary or having been approved. The bulk table must be corrected.

Douglas J. Schuetz
Acting Commissioner of Planning

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

Brooker Engineering, PLLC

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.