

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 21, 2018

Chestnut Ridge Zoning Board of Appeals
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: 3/15/2018

Date Review Received: 4/17/2018

Item: *TRAILING RIDGE (CR-236)*

Variances to permit the construction of 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. Required variances include: side setback, total side setback, side yard, swimming pool setback to the property line, and rear yard. The lot width is an existing non-conforming condition.

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 comments in the April 26, 2018 letter from the Rockland County Department of Highways must be addressed. A work permit must be obtained prior to any construction or grading on the site.
- 2 The comments in the April 24, 2018 letter from the Rockland County Department of Health must be met.
- 3 The conditions in the January 26, 2018 letter from the Rockland County Sewer District #1 must be met.
- 4 The Village of Chestnut Ridge must determine if the proposed use meets the criteria for a conditional use, as specified in the Table of General Use Requirements, LO District, Column C 2. or 5. as this is not a "membership club" or a "commercial recreation facility". If the proposed use does not meet the criteria for a conditional use, then a use variance may be warranted.

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- 5 It is not clear where the rear yard is being measured to/from., as no 10' measurement is provided on the site plan, but the bulk table indicates such. It must be clarified if this variance is required, and if so, highlighted on the plans. If no variance is required, then the bulk table must be corrected.
- 6 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.
- 7 We request the opportunity to review the site plan and conditional use permit (if meets the criteria) when the proposal appears before the Chestnut Ridge Planning Board.



Douglas J. Schuetz
Acting Commissioner of Planning

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

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.