

## DEPARTMENT OF PLANNING

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

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

July 2, 2019

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

**Tax Data:** 68.05-2-41

68.09-2-2

68.09-2-1

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:** 3/20/2019

**Date Review Received:** 5/29/2019

**Item:** *CORPORATE COMMERCE PARK - RED SCHOOLHOUSE ROAD (CR-8J)*

A site plan application to construct a three-building 156,260 square foot corporate park on a corner lot comprised of three parcels in the LO zoning district. The total lot area is 14.48 acres.

The northeastern corner of Red Schoolhouse Road and Sephar Lane; the eastern side of the Garden State Parkway Extension.

### Reason for Referral:

Red Schoolhouse Road (CR 41), NYS Thruway - Garden State Parkway 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*

- 1 A review shall be completed by the New York State Thruway Authority and any required permits obtained.
- 2 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of June 7, 2019.
- 3 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of June 10, 2019.
- 4 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of June 5, 2019.
- 5 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Chestnut Ridge Fire Inspector, or the South Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

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- 6 Since a portion of the site is located within federal wetlands, a review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
- 7 The project description states the total floor area of the corporate park is to be 156,260 square feet. The floor area ratio calculation on the site plan indicates there will be a total of 150,950 square feet. All materials must be consistent. This discrepancy must be resolved and the correct figure must be determined. The public hearing notice must be reviewed and, if it contains inaccurate information, re-issued.
- 8 The Short Environmental Assessment Form provided appears to only apply to clearing, filling, excavation, and grading on parcel 68.05-2-41. An EAF for the proposal in its entirety must be provided.
- 9 Parking calculations provided on the site plan indicate that 289 parking spaces are provided but only 150 spaces are required, an excess of 93%. The applicant must provide additional information regarding the need for these extra spaces. In addition, the Village must consider land-banking a portion of the parking area and determining their necessity once the site is functioning.
- 10 The truck loading spaces along Road D must be striped and indicated on the site plan.
- 11 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 Standards for Urban Erosion and Sediment Control.
- 12 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 13 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.
- 14 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.
- 15 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.
- 16 The lighting plan shall be amended to demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 17 All proposed signage shall be indicated on the site plan and shall conform to the Village's sign standards.
- 18 Once the interior property lines are abandoned, the applicant must file a deed with the County Clerk to that tax maps can be updated.
- 19 Fire lanes must be delineated on the site plan.

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20 Only two garbage enclosures are proposed for the site. Additional enclosures must be added to service the northern portion of the site, or the existing enclosures must be relocated to a more central location.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge  
New York State Thruway Authority  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Department of Highways  
Rockland County Office of Fire and Emergency Services  
South Spring Valley Fire District  
United States Army Corps of Engineers  
  
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.*

