

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 17, 2019

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: 8/15/2019

Item: *VILLAGE OF CHESTNUT RIDGE - BURIAL OF HUMAN REMAINS (CR-243)*

A local law to amend the zoning regulations to prohibit the burial of human remains except in designated cemeteries.

Throughout the Village

Reason for Referral:

Towns of Ramapo, Clarkstown and Orangetown, Villages of Airmont and Spring Valley, State and County roads, NYS Thruway I-87/287, Garden State Parkway Extension, county streams and facilities

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 proposed text does not include an exception for designated cemeteries. The text must be amended to include this exception.
- 2 The text of the resolution is cut off at the end and is incomplete. A complete version of the resolution must be provided.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge
New York State Department of Transportation
New York State Thruway Authority
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1

VILLAGE OF CHESTNUT RIDGE - BURIAL OF HUMAN REMAINS (CR-243)

Rockland County Drainage Agency

Towns of Ramapo, Clarkstown & Orangetown

Villages of Airmont & Spring Valley

**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.