



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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

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

February 4, 2020

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

**Tax Data:** 63.09-1-1

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

**Map Date:** 12/11/2019

**Date Review Received:** 1/6/2020

**Item:** *FOX DEVELOPMENT - 640 CHESTNUT RIDGE ROAD (CR-193H)*

A site plan application to construct a 42,589 square foot addition to an existing office/manufacturing building on a corner lot with 4.01 acres in the PI zoning district. An existing single-family residence is to be removed. Variances are required for front yard (Chestnut Ridge Road), front setback (Scotland Road), rear yard, rear setback, floor area ratio, maximum building dimension, a loading berth within 300' of a residential district, and a loading berth in the rear yard.

The northeastern corner of the intersection of Scotland Road and Chestnut Ridge Road

### Reason for Referral:

Chestnut Ridge Road (NYS Route 45)

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:

***\*Disapprove***

In a review dated December 19, 2019, this department disapproved an earlier version of this proposal. Our primary concerns were the number and extent of the required variances and the proximity of the R-25 residential zoning district. The current proposal has eliminated the need for the front yard variance along Scotland Road and provides additional landscaping. In addition, County staff met with the applicant to discuss the proposal, their business needs, and operations. While the County recognizes the benefits of the revisions to the proposal, the project has not been substantially changed from the previous application. The addition will result in a structure that is significantly out of compliance with the Village's bulk requirements, while being used in a manner that is incompatible with the adjacent residential zoning district. Because of the precedent that would be set, which may have impacts beyond those of this particular project, the County maintains its disapproval of this application.

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1 The eastern property line is adjacent to the R-25 zoning district, which allows low-density, single-family residences. Although the required 50-foot buffer is to remain, the proposed rear setback of ten feet is only 13% of the required minimum of 75 feet. The combined distance of the buffer area and the rear setback is only 60 feet, which is 15 feet less than the minimum rear setback alone. Considering the incompatibility of the proposed use with the residential properties adjacent to the rear of the site, the application must be denied since the proposed addition does not allow for adequate separation and protection to neighboring residents.

2 The proposal requires many bulk variances. The front yards along Chestnut Ridge Road and Scotland Road are deficient by 24% and 4%, respectively. The rear yard is deficient by 67%. Variances are required due to the length of the building and the proximity of the loading berth to a residential district. Most substantially, the proposed floor area ratio exceeds the maximum requirement by 63%. The front (Scotland Road) and rear setbacks are deficient by 38% and 87%, respectively. The large number and scope of the requested variances suggest a general overdevelopment of the site. In order to keep the property within its capacity to be developed, the application must be denied.

The following comments address our additional concerns about this proposal.

3 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of November 27, 2019.

4 As per the December 2, 2019 letter from the Rockland County Department of Health, an application is to be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.

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.

6 As per the December 9, 2019 letter from the Rockland County Drainage Agency (RCDA), the proposed project is outside the jurisdiction of the RCDA. However, as an interested and involved agency pursuant to SEQRA, the RCDA has commented upon the adequacy of the proposed stormwater storage capacity. The applicant must address the comments made by RCDA.

7 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

8 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.

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

10 A turn-radius analysis must be provided that demonstrates adequate access to the proposed loading berths.

11 The site plan indicates that the required number of parking spaces is not proposed to change. The applicant must verify that no additional office space is proposed and that the number of employees is not going to increase. If this is not the case, then the required parking calculation must be amended.

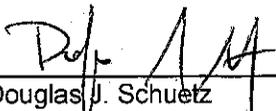
12 All proposed signage shall be indicated on the site plan and shall conform to the Village's sign standards.

13 If any disturbance is proposed within the federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

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14 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

15 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge  
New York State Department of Transportation  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Office of Fire and Emergency Services  
Rockland County Sewer District #1  
South Spring Valley Fire District  
United States Army Corps of Engineers  
  
Civil Tec

Rockland County Planning Board Members

*\*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.*