

**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*

August 11, 2020

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:** 7/13/2020

**Item:** *PLANNED UNIT DEVELOPMENT ZONE TEXT AMENDMENT (CR-245)*

A text amendment to create a Planned Unit Development (PUD) floating zoning district, with uses and development standards.

The scope of this review is limited to the proposed text amendment to establish a Planned Unit Development floating zoning district. The materials that were referred to the Rockland County Planning Department regarding the specific project known as Equestrian Estates will be reviewed separately. 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 Included in the materials that were forwarded to the County was a proposed Table of Bulk Requirements - Part II that appears to propose a new use group (Use Group O), and a proposed Table of General Use Requirements - Part II: Non-residential Districts. These documents are not consistent with the rest of the proposed text amendment, and are also substantially less restrictive than what is proposed elsewhere. Section 6 of the proposed local law (page 14 of 14) adds the PUD zoning district to the Table of General Use. This section does not include a Use Group, but rather, refers to the proposed PUD Standards found in Article XII, Section 20. Furthermore, the PUD standards in Article XII, Section 20.E establish a maximum development coverage of 40%, a maximum floor area ratio of 0.20, a maximum height of 48 feet for multifamily and mixed use structures, a maximum height of 35 feet for townhouses, single-, and two-family structures, and 50-foot setbacks from street frontages and rear and side property lines. The proposed Use Group O allows for smaller setbacks, taller structures, and higher coverage and FAR limits.

In addition, the parking requirements provided in the Table of General Use Requirements do not match the on-

## **PLANNED UNIT DEVELOPMENT ZONE TEXT AMENDMENT (CR-245)**

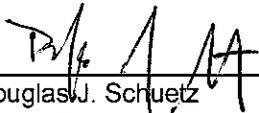
site parking requirements found in Article XII, Section 20.G. Article XII, Section 20.G does not distinguish between multifamily and rental units, as the Table of General Use does. The Table of General Use does not establish parking requirements for single-family houses, or require a 10% additional allocation for visitor use for rental apartments. Lastly, the Table of General Use has no parking requirements for any of the non-residential uses, except parking for Mixed-use Buildings shall be "In conformance with SmartCode", which is not defined.

All materials must be consistent and the more restrictive standards found in Article XII, Section 20 must be applied. The proposed Table of Bulk Requirements - Part II and Table of General Use Requirements - Part II: Non-residential Districts must be removed from the application.

- 2 The proposed bulk standards provided in Article XII, Section 4.E allow a height of 48 feet for multifamily and mixed use structures, which would be taller than what is allowed by all other use groups in the Village of Chestnut Ridge. A majority of use groups have a maximum height of 35 feet, with use group f, which is associated with schools and hospitals, allowing the highest limit of 45 feet. The Village must establish a height limit that is compatible with, and comparable to, the rest of the Village's bulk requirements.
- 3 The proposed parking requirement for Commercial/Nonresidential uses (3 spaces per 1,000 square feet of gross floor area) is substantially less than other Village parking requirements for uses allowed in the PUD zoning district. For example, in other Village zoning districts, Office use requires 1 space per 200 square feet (5 per 1,000), Supermarkets require 1 space per 175 square feet (5.7 per 1,000), and Local Convenience Commercial uses require 1 space per 150 square feet (6.7 per 1,000). In addition, the use of a single parking requirement for all allowed Commercial/Nonresidential uses does not address the differing impacts and requirements of various uses. The Village must establish parking requirements that are more compatible with those found in other zoning district. It is worth noting that an applicant would still have the ability through Article VII, Section 1.D of the Village's zoning regulations to request that the Planning Board reduce the required number of parking spaces, if they are able to demonstrate that the proposed combination of uses will generate demand at differing times.
- 4 Section 5 of the proposed text amendment (page 6 of 14) indicates that the new subsection for Planned Unit Developments will be given the number 4. The proposed text must be corrected to indicate the subsection will be 20.
- 5 The bulk requirements provided in Article XII, Section 20.E do not include any yard requirements. Minimum yard requirements must be established.
- 6 Article II, Section 5.C includes the required elements to be submitted as part of the PUD application process. The requirements must include proposed plans for landscaping, lighting, topography, and signage. Criteria for signage must be established. Lighting plans must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 7 Article XII, Section 20.K.4 requires that at least 20% of residential units shall be Senior Housing. However, Section 20.K.5 provides additional requirements for Senior Housing "If proposed..." The requirement for Senior Housing is incompatible with the optional language used in Section 20.K.5. The Village must clarify if Senior Housing is a required element of a PUD, and the appropriate text must be corrected.
- 8 Proximity to the adjacent Towns of Ramapo, Orangetown, and Clarkstown and the Villages of Airmont and Spring Valley is one of the reasons this proposal was referred to this department for review. As required under Section 239nn of the State General Municipal Law, these municipalities must be given the opportunity to review the proposed zoning amendment and provide any concerns related to it to the Village of Chestnut Ridge.
- 9 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.

**PLANNED UNIT DEVELOPMENT ZONE TEXT AMENDMENT (CR-245)**

10 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.

  
\_\_\_\_\_  
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  
Rockland County Drainage Agency  
  
Tim Miller Associates, Inc.  
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.*