



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

November 25, 2014

ARLENE R. MILLER
Deputy Commissioner

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

Tax Data: 65.36-1-49

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

Map Date: 10/9/2014

Date Review Received: 11/5/2014

Item: 23 ROUTE 59 (N-152A)

Site plan for the proposed change of use from "vacant" to "industrial service" for a parcel located in the CC zoning district on .378 acres. The site is expected to be used temporarily (maximum of six years) as an electrical contractor employee and commercial parking yard, where employees will be shuttled by a small bus to and from the Tappan Zee Bridge construction site. Improvements to the site include installation of a six-foot high chain link fence, placement of four shipping containers to be used for storage of tools and miscellaneous supplies, and a temporary office module.

South side of NYS Route 59, north side of West Depew Avenue, approximately 145 feet east of Hall Avenue

Reason for Referral:

NYS Route 59, NYS Thruway, Town of Clarkstown

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 An updated review shall be completed by the New York State Department of Transportation and all required permits obtained. In addition, the comments and conditions in their September 5, 2014 letter must be met.
- 2 The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary is just southwest of the property, along the south side of West Depew Avenue. As required under Section 239nn of the State General Municipal Law, the Town of Clarkstown must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Nyack.
- 3 If any lighting is proposed, a lighting plan must be provided, with fields of illumination depicted on the plan. No light shall shine into the State right-of-way.

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



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jen White, Nyack
New York State Department of Transportation
New York State Thruway Authority
Gordon A. Gebert, Architect
Town of Clarkstown

**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.