



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

January 28, 2015

ARLENE R. MILLER
Deputy Commissioner

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

Tax Data: 65.35-1-10

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

Map Date: 12/18/2014

Date Review Received: 12/30/2014

Item: *CATALYST TRADE & VC, LLC (N-38A)*

Site plan for the proposed demolition of an existing building, and construction of a 2,464 sq. ft. retail and personal service building with parking in the CC zoning district on .16 acres.
South side of NYS Route 59, approximately 290 feet east of Waldron Avenue

Reason for Referral:

NYS Route 59, NYS Thruway, Town of Clarkstown, Long Path

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:

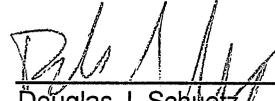
****Recommend the following modifications***

- 1 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and all required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Health and any required permits obtained.
- 3 A landscaping and lighting plan shall be submitted for our review.
- 4 Fields of illumination must be provided on the site plan and demonstrate that no light will shine into the State right-of-way or glare into the NYS Thruway.
- 5 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 6 There shall be no net increase in the peak rate of discharge from the site at all design points.

CATALYST TRADE & VC, LLC (N-38A)

7 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

8 The location of the trash receptacle/dumpster must be shown on the site plan, and not impede any of the parking spaces.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jen White, Nyack
New York State Department of Transportation
New York State Thruway Authority
New York - New Jersey Trail Conference
Rockland County Department of Health
Atzl, Nasher & Zigler P.C.
Town of Clarkstown Planning Department

**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.