



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

June 29, 2015

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

Tax Data: 66.45-1-11.2

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

Map Date: 5/4/2015

Date Review Received: 6/3/2015

Item: *CORNIELLE ENTERPRISE (N-172)*

Site plan for the proposed construction of a single-family dwelling located in the TFR zoning district on .11 acres.

North side of Cedar Hill Avenue, 50 feet west of Mill Street

Reason for Referral:

Village of South Nyack

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 Village of South Nyack is the reason this proposal was referred to this department for review. The municipal boundary is along Cedar Hill Avenue, directly adjacent to the subject site. As required under Section 239nn of the State General Municipal Law, the Village of South Nyack must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Nyack.
- 2 We are in receipt of two site plans for the proposed residence. The measurements in the bulk table differ for front yard and rear setback, as the house was relocated, and other modifications made. However, the map date for both site plans is listed as May 4, 2015, with no revision date provided. To ensure that all agencies are reviewing the same site plan, a revision date must be added to the title block area to reflect that changes have been made to the original plot plan.
- 3 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

CORNIELLE ENTERPRISE (N-172)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jen White, Nyack
Rockland County Department of Health
Anthony R. Celentano P.E.
Village of South Nyack Planning Board

**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.