



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

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DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

August 13, 2015

Nyack Zoning Board of Appeals
9 North Broadway
Nyack, NY 10960

Tax Data: 59.84-1-44

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

Map Date:

Date Review Received: 7/29/2015

Item: *OAK HILL CEMETERY (N-176)*

Variance to permit a freestanding identification sign for an existing cemetery located on 37.63 acres in the TFR zoning district.

West side of US Route 9W (N. Highland Avenue), just north of Sickles Avenue

Reason for Referral:

US Route 9W, Mountainview Nature Park, Long Path, NYS Thruway, Village of Upper Nyack, 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 The location of the proposed sign must be provided on the attached map. This information is necessary to ensure that the sign location does not impede with sight distance for US Route 9W, and that the sign is appropriately set back out of the State right-of-way.
- 2 The map that we received does not contain a map date or a surveyor's stamp; they appear to have been cut off. To ensure that all entities are reviewing the same set of plans, it is imperative that a map date be provided. To ensure validity of the plans, the surveyor's stamp must also be present.
- 3 A review shall be completed by the New York State Department of Transportation, concerns addressed, and all required permits obtained.

OAK HILL CEMETERY (N-176)

4 It is not clear if any lighting will be used to illuminate the proposed sign. This must be indicated in a narrative, or elsewhere.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jen White, Nyack
New York State Department of Transportation
New York State Thruway Authority
Rockland County Division of Environmental Resources
New York - New Jersey Trail Conference
James E. Drumm
Village of Upper Nyack
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.