



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

February 2, 2015

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

Tax Data: 66.45-1-34 66.45-1-35 66.45-1-36 66.46-1-54

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L, M, & N

Map Date: 12/12/2014

Date Review Received: 01/14/2015

Item: *PAVION HOLDING LLC (N-45B)*

Re-subdivision of four lots that total 3.935 acres into one lot. Site plan for a proposed multi-family residential, retail, and live-work unit development, located in the RMU zoning district. A total of 109 units are being proposed and 2,730 sq. ft. of retail space. An additional 26 units are being proposed in lieu of retail or commercial space. Special permit to allow the increase in floor area ratio from .75 to 1.0 for parcels larger than 15,000 sq. ft. in size and mixed-use; permission from the Planning Board to allow a third-story if the project is developed as a certifiable LEED or similar program; and permission to allow sustainability bonus practices for the provision of permeable surfaces, green roofs, and daylighting of the Nyack Brook.

North side of Cedar Hill Avenue, east side of S. Franklin Street, south side of Hudson Avenue

Reasons 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 our Department for review. The municipal boundary is along Cedar Hill Avenue, directly adjacent to the site. New York State General Municipal Law states that the purposes of Section 239-l, 239-m, and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies

having jurisdiction. Such review may include inter-community and countywide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The comments and concerns raised in the September 17, 2014 email from Jerry Ilowitz, South Nyack Planning Board Chairman, and the two letters from Mayor Christian dated December 31, 2014 must be met.

2. As indicated in the January 22, 2015 letter from the New York State Department of Transportation, a review must be done of the Traffic Impact Statement dated October 23, 2014, and any comments or concerns addressed.
3. The proposed bike lane is proposed behind the parking spaces for the vehicles along Franklin Avenue. To decrease the chance of conflicts between vehicles and the bicyclists, the Planning Board should consider requiring the bike lane to be located on the inside of the diagonal parking spaces, adjacent to the rain garden.
4. A review shall be completed by the Rockland County Health Department and all permits required obtained.
5. Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction, in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
6. For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
7. The lighting plan shall show fields of illumination and demonstrate that no lighting will glare into the adjacent residential area, especially in the Village of South Nyack.
8. A landscaping plan shall be submitted for review. Street trees and other landscaping must be planted to help break up the continuous building profiles. Landscaping should also be provided along the building facing Franklin Avenue and the parking to prevent the headlights from the parked vehicles from shining directly into these units. Landscaping must also be provided amongst the parking area to help break up the pavement.
9. Floor schematics must be provided for the proposed 72-space subterranean garage. Pole locations, exits, and stairs must also be provided on these plans.
10. If the only accesses for the live/work units are from Hudson Avenue, then some type of connection must be provided that will allow the residents/businesses to access the dumpster enclosure areas.
11. The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

12. A review must be done by the New York State Department of State, Office of Planning & Development, to ensure that the proposed project is consistent with the Village of Nyack's Local Waterfront Revitalization Program.
13. A review must be completed by the County of Rockland Office of Fire and Emergency Services to ensure that there is sufficient maneuverability on site for emergency vehicles.
14. 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.
15. There shall be no net increase in the peak rate of storm water discharge from the site.
16. As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
17. The lot lines to be removed should be labeled as such on the subdivision plat.



Douglas J. Schuetz
Acting Commissioner of Planning

**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 substantive 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.

- c Mayor Jen White, Nyack
- Mayor Bonnie Christian, South Nyack
- South Nyack Planning Board
- New York State Department of Transportation
- New York State Department of State, Division of Planning & Development
- Rockland County Drainage Agency
- Rockland County Health Department
- Rockland County Office of Fire & Emergency Services
- DCAK-MSA

