



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

EDWIN J. DAY
County Executive

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

DOUGLAS J. SCHUETZ
Acting Commissioner

February 6, 2015

ARLENE R. MILLER
Deputy Commissioner

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

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

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

Map Date: 12/12/2014

Date Review Received: 1/14/2015

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

Variance to permit a proposed mixed-use multi-family, retail, and live-work unit development, located in the RMU zoning district on 3.935 acres. The needed variance is for greater than permitted residential density. A parking variance may also be necessary if the Village deems that the diagonal parking spaces cannot be counted towards the required parking calculation.

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

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 site. New York State General Municipal Law states that the purposes of Sections 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 county-wide 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 Village of South Nyack must be given the opportunity to review the variance request and its

PAVION HOLDING LLC (N-45C)

impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of South Nyack must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 The Traffic Impact Study letter dated January 28, 2015 from Frederick P. Clark Associates, Inc., written by Michael Galante, states on page 5, under item #10, that the proposed angled parking along South Franklin Street is not recommended. If the Village decides to eliminate the angled parking, then a parking variance may also be required, or the building scaled back so that all of the required parking can be provided on site.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jen White, Nyack
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
DCAK-MSA
Village of South Nyack, Mayor Bonnie Christian
Village of South Nyack, Jerry Howite, PB Chair
New York State Department of State,
Division of Planning & Development

**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.