COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

April 8, 2015

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

Tax Data: 60.78-1-40

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

Map Date: 11/25/2014 **Date Review Received:** 3/13/2015

Item: ***BERNARD WEINTRAUB & INGRID HOPKINS (N-170A)***

Special permit to permit a two-lot subdivision of .80 acres in the SFR-1 zoning district.

North side of Tallman Avenue, approximately 270 feet west of Broadway

Reason for Referral:

Village of Upper 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 Upper Nyack is the reason this proposal was referred to this department for review. The municipal boundary is directly adjacent to the site to the north. As required under Section 239nn of the State General Municipal Law, the Village of Upper Nyack must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Nyack.

2 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.

3 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

4 There shall be no net increase in the peak rate of discharge from the site at all design points.

BERNARD WEINTRAUB & INGRID HOPKINS (N-170A)

5 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.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jen White, Nyack
Rockland County Department of Health
Jay A. Greenwell, PLS
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.