# Rockland County

Ed Day, Rockland County Executive

**DEPARTMENT OF PLANNING**
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**Douglas J. Schuetz**
*Acting Commissioner*

**Arlene R. Miller**
*Deputy Commissioner*

April 21, 2016

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

**Tax Data:** 60.77-2-61

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M
**Map Date:** 2/17/2016 **Date Review Received:** 3/23/2016

**Item:** ***245 N. MIDLAND AVENUE (N-177A)***

Special permit to allow the proposed change of use from one non-conforming use (workshop and offices) to another less intense non-conforming use (multi-family - five apartments) for an existing building located in the TFR zoning district on .15 acres.
Northeast corner of Sixth Avenue and N. Midland Avenue

**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 Nyack's zoning ordinance requires two parking spaces per dwelling unit, or one parking space if the unit is an efficiency, as listed in Table 4-2. A total of five units are proposed, all containing at least one bedroom; therefore it appears that 10 parking spaces are required. A parking table must be provided on the plans, showing the parking requirement. It must be clarified if a parking variance is required. All required parking must be provided on site, or an alternate off-site parking arrangement provided.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jen White, Nyack

Jay A. Greenwell, PLS, LLC
Village of Upper Nyack

## 245 N. MIDLAND AVENUE (N-177A)

**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.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*