

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 25, 2016

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

Tax Data: 65.44-2-2 65.44-2-1

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

Map Date: 3/7/2016

Date Review Received: 3/31/2016

Item: *GATEWAY LOFTS (N-144B)*

Site plan for the proposed construction of a four-story, multi-family dwelling, with a total of 33 units for two parcels located on a total of .5 acres in the DMU zoning district. A re-subdivision for the merger of two lots into one. A variance for height is required as a three-story building is permitted, and a four-story building is proposed. Two density bonuses are being implemented: the 20% bonus incentive for the provision of a green roof (10 additional du/ac); and a 10% bonus for the inclusion of affordable units (6 du/acre).

Southeast corner of Main Street and N. Midland Avenue (US Route 9W)

Reason for Referral:

Midland Avenue (US Route 9W), New York State Thruway

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 With regard to the merger of the two lots, we offer the following recommendation:

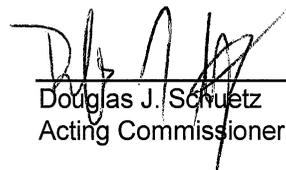
As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

- 2 With regard to the site plan review, we offer the following comments:

A review shall be completed by the New York State Department of Transportation and all required permits obtained.

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- 3 The New York State Department of Transportation must review the Traffic Impact Study that was completed on March 14, 2016. Any comments or concerns raised by review of the traffic study must be addressed.
- 4 A review must be completed by the New York State Thruway Authority and any required permits obtained.
- 5 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 6 The northwestern corner of the property will dominate the corner of the intersection. To help lessen the building's mass, it is recommended that this corner, which serves as the "gateway" into the Village, be further stepped back to reduce the scale of the building. The entire corner of the building should be stepped back one floor, which will also help to lessen the extent of the height variance.
- 7 The proposed columns in the cellar parking area must be shown on the map to ensure that they do not conflict with proposed parking spaces. In addition, the elevator and/or stairway must be depicted on the plans.
- 8 A lighting plan shall be provided that shows fields of illumination. Lighting shall not shine beyond the property line or into the State highway.
- 9 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 10 A landscaping plan shall be submitted for our review.
- 11 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 12 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.
- 13 The minimum number of parking spaces are being provided for the site. No visitor spaces are provided. There are no provisions for parking off site in the vicinity due to the narrowness of the roadways. A few additional on site parking spaces must be provided to accommodate guests.



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 Department of Health
Rockland County Drainage Agency
Rockland County Planning Board
Atzl, Nasher & Zigler P.C.

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**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.

