

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 25, 2016

Nyack Zoning Board of Appeals
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
Map Date: 3/7/2016

Date Review Received: 3/31/2016

Item: GATEWAY LOFTS (N-144C)

Height variance 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. The 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 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 A review must be completed by the New York State Thruway Authority and any required permits obtained.
- 3 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.

GATEWAY LOFTS (N-144C)



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 Planning Board

Atzl, Nasher & Zigler P.C.

**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.