



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 13, 2017

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

Tax Data: 66.23-1-3

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/15/2016

Date Review Received: 9/21/2017

Item: 1 ACKERMAN PLACE (N-182)

Site plan for the proposed construction of a 484 sq. ft. storage building, which will replace the one destroyed during Super Storm Sandy. The parcel is .766 acres, and is located in the Waterfront (WF) district. It is noted that the new structure will not cast a shadow in the Hudson River, and that large rocks and fish balls will be placed under the deck to maintain the fish habitat.

North side of Ackerman Place, approximately 74 feet west of the northwestern bend of Gedney Street/Ackerman Place

Reason for Referral:

Town of Orangetown (at the Hudson River)

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 Environmental Conservation and all required permits obtained.
- 2 A review must be completed by the New York State Department of State, Division of Coastal Zone management, to ensure compliance with the Village of Nyack Local Waterfront Revitalization Plan. All required permits must be obtained.
- 3 A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
- 4 The floodplain Administrator for the Village of Nyack shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

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5 The Town of Orangetown is the reason this proposal was referred to this department for review. The land portion of the site is located within the Village of Nyack; however, it is our understanding that the water portion of the site is located completely within the Orangetown municipal boundary (directly east of the land). It must be determined if a coordinated review must be done for this parcel, since the proposed storage building appears to be located within the Town or Orangetown. As a result, the proposed site plan must also be sent to the Town of Orangetown Planning Board for their review and input. In addition, the zoning designation for this portion of the site must also be determined since the deck and storage building do not appear to be located in the Village of Nyack.

6 A vicinity map must be provided with the application. Municipal boundaries, bulk table, and map notes must also be provided on the site plan.

7 The map submitted with the application is dated May 24, 1999. This map is 18 years old, and the mean high tide water points may no longer be accurate, given the fact that the sea level is rising. An updated map must be submitted with the application.

8 The New York State Department of Environmental Conservation Permit indicates that the facility location is in Clarkstown. This is incorrect, and should instead be either Nyack or Orangetown.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jen White, Nyack
New York State Department of Environmental Conservation
New York State Department of State
United States Army Corps of Engineers

Kier B. Levesque, Architect
Town of Orangetown Planning Board

**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.