



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 2, 2017

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

Tax Data: 66.21-1-74

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

Map Date: 7/17/2017

Date Review Received: 8/28/2017

Item: *NYACK HOSPITAL/160 NORTH MIDLAND AVENUE (N-56K)*

Site plan for the proposed replacement of the existing oxygen tanks and vaporizer, with new tanks and vaporizer, bollards, concrete equipment pad, and spill pad, for an existing hospital located on 8.637 acres in the H zoning district.

East side of US Route 9W (Highland Avenue), south side of 5th Avenue, west side of N. Midland Avenue, and north side of Sickles Avenue

Reason for Referral:

US Route 9W (Highland Avenue)

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, any concerns addressed, and any required permits obtained.
- 2 The North Arrow is incorrectly drawn on the site plan maps. This must be corrected. The vicinity map must also contain a north arrow, particularly since the vicinity map is oriented differently than the site plan.
- 3 A review must be completed by the County of Rockland Department of Health and all required permits and/or approvals obtained.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jen White, Nyack
New York State Department of Transportation

NYACK HOSPITAL/160 NORTH MIDLAND AVENUE (N-56K)

Rockland County Department of Health

Goldman/Copeland Associates, P.C.
Pomarico Design Studio Architecture, PLLC
H.F. Lenz company, 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.