

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

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

September 28, 2017

Nyack Village Board  
9 North Broadway  
Nyack, NY 10960

**Tax Data:**

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

**Map Date:**

**Date Review Received:** 8/25/2017

**Item:** *VILLAGE OF NYACK - LWRP (N-179)*

Local Waterfront Revitalization Plan (LWRP) update for the Village of Nyack.  
Throughout the Village

**Reason for Referral:**

Villages of Upper Nyack & South Nyack; Town of Clarkstown, US Route 9W, NYS Route 59, NYS  
Thruway, Long Path, Mountainview Nature Park

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 legend in Figure II-1 shows the commuter rail as a solid blue line, yet the symbol on the map is a dashed blue line. Either the legend or map symbol should be changed so that they match each other.
- 2 On pages 54 & 55, Table II-3 lists the risk of permanent inundation and coastal flooding due to Sea Level Rise. It is not clear how a sea level rise by 30" affects less people and households than a sea level rise of 18". This should be explained in the text.
- 3 Page 61 discusses Water Quality Classification of the Hudson River in the vicinity of the Village of Nyack, and lists it as SC-C through 31 May 2017. Since this time-frame has lapsed, a new validation should be done so that the LWRP document does not contain outdated information before it is finalized.
- 4 Development Policy 1 on page 68 states that the goal is to restore, revitalize, and redevelop waterfront areas for commercial, industrial, cultural, recreational and other compatible uses. Further in the section, two specific sites are mentioned, including the waterfront property on Gedney-Main Streets, which has received a zone change to permit a mixed-use development. As residences are a major component of this proposal, the goal should be expanded to indicate this use as part of the restoration, revitalization, and redevelopment policy.

**VILLAGE OF NYACK - LWRP (N-179)**

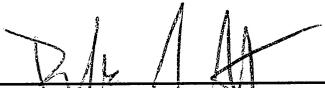
5 On page 69, a Policy 2 and Policy 2A are listed. No explanation is provided regarding Policy 2. Is Policy 2A a sub-component of Policy 2? It should be clarified what the difference is between the policies, and an explanation should be provided for Policy 2.

6 Policies 25, 25A, and 25B are listed with no supporting text. Some type of information or explanation should be provided, even if it is listed as "Not Applicable", if these are to be listed in the LWRP.

7 The project on page 133 to create a fishing pier in the Hudson River is missing the cost estimate. This should be provided, or the "Cost Estimate" line eliminated.

8 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process. The following comments are minor in nature, and address typographical or formatting errors:

- 1) There is a typographical error on page 31, first paragraph, next to last sentence; the word "form" should be corrected to "from."
- 2) The heading for the next section of policies, found on page 76, should be formatted similarly to the headings for the policies on page 68 and 74.
- 3) Under Policy 19, on page 79, there is an extra comma after "capacity of the resource" that should be deleted.
- 4) On page 80, there are two extra "s" on words contained in the section. The first "s" that should be deleted is contained in the first paragraph, third sentence, and should read "A pedestrian walkway should...". The second extra "s" is located in the second paragraph, first sentence, and should read "...provides a public dock available...".
- 5) On page 119, under the Project Partners paragraph, the second "is" in the second sentence should be "in".

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Jen White, Nyack  
New York State Department of Transportation  
New York State Thruway Authority  
New York - New Jersey Trail Conference  
New York State Department of State  
Rockland County Division of Environmental Resources  
  
Villages of Upper Nyack & South Nyack  
Town of Clarkstown

*\*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.*