Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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April 6, 2017

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

Tax Data: 66.38-2-15 66.38-2-14 66.39-1-2
66.39-1-1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 11/11/2016 **Date Review Received:** 3/3/2017

Item: ***TZ VISTA - 55 GEDNEY STREET (N-64D)***

Site plan to allow the construction of a three-building, multi-family housing development that will contain 131 units, a café, accessory underground parking for 275 vehicles, and a pedestrian walkway along the Hudson. The site is comprised of four parcels that together total 3.41 acres in the WF zoning district. The project is proposed to be developed in three phases, corresponding with each building. In addition, 22 parking spaces will be provided in the underground garage for residents of the Clermont Condominium Association, replacing surface parking presently on Lot 2. Lastly, the two lots on the east side of Gedney Street will be merged.

Twenty-three surface parking spaces are proposed on the two parcels on the west side of Gedney Street, which will satisfy the public parking requirement. These parcels are located in the TFR zoning district.

East and west sides of Gedney Street; opposite High Avenue, Lydecker Street; north side of Main Street

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 must be completed by the New York State Department of Environmental Conservation and all required permits obtained.

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2 The Town of Orangetown (at the Hudson River) is the reason this proposal was referred to this department for review. The municipal boundary is along the eastern side of the subject property line, at the High Tide Mean Water Line. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown must be given the opportunity to review the proposed special permit and provide any concerns related to the project to the Village of Nyack.

3 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.

4 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

5 The underground parking plan illustrates the layout for the parking, support structures, garbage/recycling enclosures, and stairways. Several of the parking spaces seem tight, and will be difficult to maneuver in to or out of, and are located directly adjacent to a wall. Specifically, the northernmost parking space in the lower level has no turnaround area; and the compact car space at the northern end of the garage would have to back out for quite a distance before it can easily maneuver out of the spot. Lastly, is there an elevator planned in the garage? If so, where is it to be located? These issues should be addressed.

6 Since the surface parking is located in the TFR zoning district, it must be clarified if this use is permitted, as an accessory use to the WF zoning district use.

7 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.

8 The Village of Nyack must confirm that the proposed multi-family development is in compliance with the Local Waterfront Revitalization Plan.

9 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.

10 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.

11 There shall be no net increase in the peak rate of discharge from the site at all design points.

12 If the Village of Nyack determines that any variances are required to implement the proposed subdivision and site plan, then we request the opportunity to review any required variances.

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,
Division of Coastal Zone Management
Rockland County Department of Health
Rockland County Drainage Agency

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DCAK-MSA
Town of Orangetown

**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.