

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 13, 2018

Nyack Zoning Board of Appeals
9 North Broadway
Nyack, NY 10960

Tax Data: 59.83-1-1

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

Map Date: 4/26/2018

Date Review Received: 5/14/2018

Item: 2 GAIL DRIVE (N-184A)

Variances to permit the proposed construction of an accessory building for an existing multi-family residence complex, located in the MFR zoning district on 10.8 acres. The accessory building will be used as a clubhouse-type facility, and includes a lounge area, fitness area (sauna, yoga, workout area), leasing office with kitchenette, and model unit on the first floor; and an activities recreational room that can accommodate 50 seated people or 150 standing persons, dog washing station, a vestibule that can accommodate 136 standing persons, and a gaming recreational room that contains a pool table. Variances are required for an accessory structure that exceeds 12 feet in height and is more than one story tall.

Northeastern most corner of the parcel for the multi-family housing complex, which is located on the east side of Mountview Avenue, approximately 120 feet north of the NYS Thruway; Gail Drive straddles the property

Reason for Referral:

Mountainview Nature Park, Long Path regional hiking trail, Town of Clarkstown, NYS 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 must be completed by the County of Rockland Division of Environmental Resources and any comments or concerns addressed.
- 2 A review must be completed by the New York - New Jersey Trail Conference and any comments or concerns addressed.

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3 Low evergreen landscaping or a berm must be provided along the northern property line, which is directly adjacent to Mountainview Nature Park, to help shield the roadway, and new construction from the parkland, especially since the Long Path, a regional hiking trail, is located in close proximity.

4 The Town fire inspector and/or the Rockland County Office of Fire and Emergency Services must review the site plan to ensure that adequate circulation is provided in the event an emergency arises. This review should include whether the access can accommodate fire equipment, and whether there is adequate water pressure/volume for firefighting purposes. In addition, the fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible. The Village must ensure that the road design complies with the New York State Fire Code.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Donald N. Hammond, Nyack
Rockland County Division of Environmental Resources
New York - New Jersey Trail Conference
New York State Thruway Authority

Dominick R. Pilla Associates PC
Town of Clarkstown 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.