# Rockland County

Ed Day, Rockland County Executive

**DEPARTMENT OF PLANNING**
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**Douglas J. Schuetz**
*Acting Commissioner*

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

May 28, 2019

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

**Tax Data:** 65.44-2-9 65.44-2-8

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M
**Map Date:** 4/9/2019 **Date Review Received:** 5/1/2019

**Item:** ***249-259 MAIN STREET (N-183C)***

Site plan for the proposed demolition of two houses, and construction of a 26-unit multi-family dwelling that will consist of both a 3- and 4-story structure. A re-subdivision is also proposed to combine two lots into one. The design of the multi-family dwelling includes access now from Main Street and 30 parking spaces. Five alcove studios, 17 one-bedroom, and four two-bedroom units are proposed on the .38-acre parcel located in the DMU zoning district.

South side of Main Street, approximately 233 feet west of Midland Avenue, and 364 feet east of N. Highland Avenue

**Reason for Referral:**

N. Highland Avenue (US Route 9W), 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 The site plan provided with the application, dated April 9, 2019 (revised), is very difficult to read. The scale for the site needs to be larger so that the features and wording can be legible. The plans include the site layout, topography, plantings, soil erosion, and drainage/utilities information all on top of each other. Separate plans for each component must be provided, and the site plan drawn at a 1"=10' scale or larger.

2 The site plan must contain an engineer's seal, map notes that include district information, the tax parcel identification number, and a vicinity map with a north arrow and scale, particularly since the orientation of the vicinity map differs from the site plan.

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3 As drawn, the footprint of the building is difficult to discern, especially since both the building and the silt fence symbol are red dashed lines. The outline of the building must be clearly delineated on the site plan. All access points, including along the front of the building must be provided. This must also include any doors that will be used for vehicular access.

4 No yard measurements are provided on the site plan. These must be noted on the plans to help verify that no variances are required.

5 The parking spaces are crammed into the site. The parking space located in the southeastern portion of the site, is located right up to the property line, and will be difficult to maneuver out of without a turnaround area. In addition, a retaining wall is located right on the property line, providing no area for overhang. The parking space must be redesigned so that a turnaround area can be provided.

6 The two catty-corner parking spaces located in the southwestern portion of the site are very close to each other. In fact, a vehicle parked in the space along the western property line backs out it is directly in line with the space along the southern property line. If a larger vehicle, or truck were to park in one of these spaces, the other space would be unable to be used. These two parking spaces must be redesigned so that no spaces conflict with each other.

7 The parking spaces must be numbered on the site plan. It is difficult to discern which are spaces, versus which are not. This will help to identify parking spaces which are not ideally designed or located, and which need to be modified so that they can be easily maneuvered into or out of without conflicts, and to ensure that all parking spaces are viable for use and can be counted towards the required parking spaces.

8 No turning analysis has been provided for the internal parking lot configuration. It must be demonstrated that emergency vehicles, including fire apparatus, can maneuver within the parking area of the site.

9 The two dumpsters are located under the building by the bike storage area. Will the trucks have to back into this area to access and dump these containers? If so, this can cause an unsafe situation along this busily traveled roadway. It must be clarified how these dumpsters will be accessed by the garbage trucks.

10 The snow storage area is located in the southwestern corner of the site, and is sandwiched between the two catty corner parking spaces. There is insufficient room to plow the snow into this corner if vehicles are parked in these parking spaces. It must be demonstrated how this snow storage area will be accessed.

11 The snow storage area is located in close proximity to the one area in which plantings are proposed. Oftentimes snow piles are placed into landscaped areas, resulting in damage to the plants, either by the weight of the snow, the salinity from the salt, or the force of the snow being pushed by the plows. It must be demonstrated that the snow storage can be placed without damaging the proposed landscaping.

12 The location of the rooftop solar energy collectors must be illustrated on the site plan. A separate site plan of the rooftop must be provided, illustrating the location of the solar collectors, particularly in relation to the elevator shaft, chimney, pipes, etc.., and where access will be obtained to the roof for maintenance purposes. In addition, it must be indicated if the solar panels will extend above the roofline. The Elevations do not illustrate any solar panel protrusions. This must confirmed by the provision of additional information.

13 A retaining wall is proposed along the entire length of the western property line. The top of the wall elevations are provided, but no bottom of wall measurements are given. So that the total height of the wall can be determined, bottom elevations must also be provided.

14 The silt fence provided on the plans, stops midway along the southern property line, and does not seem to exist along the western property line. 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 Standards for Urban Erosion and Sediment Control.

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15 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.

16 Pedestrian access into and out of the building seems to be only provided in the front section of the building. In the event of a fire, particularly if one were to occur in the front, emergency access should also be provided for the rear of the building.

17 The comments in the May 7, 2019 letter from the Rockland County Department of Health must be met.

18 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and required permits obtained.

19 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

20 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Donald N. Hammond, Nyack
New York State Department of Transportation
New York State Thruway Authority
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Planning Board
Rockland County Drainage Agency

S & Co. Architecture + Design
Bart M. Rodi, Engineer
Nyack Fire District

**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.*