# Rockland County

Ed Day, Rockland County Executive

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

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

February 22, 2019

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

**Tax Data:** 65.36-2-29

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M
**Map Date:** 11/21/2018 **Date Review Received:** 1/15/2019

**Item:** ***64 CATHERINE STREET (N-186)***

Site plan for a proposed change of use from one non-conforming use to a less intensive non-conforming use (manufacturing) for a parcel located on .13 acres in the DMU-2 zoning district. It is indicated that a special permit use is required to permit the change of use.
North side of Catherine Street, 100 feet east of N. Highland Avenue

**Reason for Referral:**

N. Highland Avenue (US Route 9W), NYS Route 59

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 Transportation, any comments or concerns addressed, and required permits obtained.

2 The location of the dumpster must be illustrated on the site plan to ensure that it does not interfere with the parking spaces and is easily accessible at all times.

3 Macadam pavement, not needed for parking spaces or access should be removed, and replaced with landscaping.

4 The date on the plans is listed as October 9, 2018, but the survey is indicated to be completed on November 21, 2018. It seems that the site plan date should occur after the survey. The dates must be verified.

5 Map notes that contain district and other pertinent information must be provided.

6 To differentiate the entranceway, paint, or some other type of material should be used, to ensure that vehicles do not park in this location.

**64 CATHERINE STREET (N-186)**

7 A more defined access must be provided to better accentuate parking versus pedestrian areas.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Donald N. Hammond, Nyack
New York State Department of Transportation

Kier B. Levesque, RA

**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.*