Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 10, 2019

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

Tax Data: 66.37-1-47

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/15/1989 **Date Review Received:** 3/15/2019

Item: ***72 SUMMIT STREET (N-190)***

Fence height variance to legitimize a pre-existing front yard fence for an existing dwelling located on .18 acres in the TFR zoning district. A 3'6" fence is permitted in the front yard, and a six-foot fence exists. Northwest corner of Summit Street and Cedar Hill Avenue

Reason for Referral:

Village of South Nyack, 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 Village of South Nyack is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the southern property line of the site. As required under Section 239nn of the State General Municipal Law, the Village of South Nyack must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Nyack.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Donald N. Hammond, Nyack
New York State Thruway Authority

Village of South Nyack
M. Joseph Burch

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

72 SUMMIT STREET (N-190)

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.