

DEPARTMENT OF PLANNING

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Arlene R. Miller
Deputy Commissioner

February 25, 2019

Nyack Village Board
9 North Broadway
Nyack, NY 10960

Tax Data: 65.36-2-29
66.37-1-4

65.36-2-27
66.37-1-3

66.37-1-30

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

Map Date:

Date Review Received: 1/23/2019

Item: *VILLAGE OF NYACK - ZONE CHANGE DMU-2 TO CC AND TFR (N-187)*

Zone changes in response to a build-out analysis for potential residential developments in the DMU-2 and RMS zoning districts. Two rezoning areas have been identified for the Village of Nyack: 1) Area 1 - An area comprised of three lots located in the DMU-2 zoning district which total 1.78 acres, and are currently being used for commercial uses and a municipal fire house. These parcels are proposed to be rezoned from DMU-2 to CC; and 2) Area 2 - an area comprised of three parcels that total .31 acres, and are currently located in the DMU-2 zoning district, but which currently contain residential buildings. These three parcels are proposed to be rezoned to the TFR district. The rationale for the rezoning of the 1.78-acre area is that the rezoning would reflect the existing commercial nature of Route 9W in the area, mirror the existing CC zoning along the west side of Route 9W, restrict DMU-2 zoning to frontage on Upper Main Street and not beyond Nyack Brook, and further limit residential development from Route 9W and Catherine Street. The .31-acre area is proposed to be rezoned so as to continue the residential pattern on Summit Street, while providing a natural break in the DMU-2 zoning along Main Street.

Area 1 - East side of US Route 9W, north and south sides of W. Catherine Street at their intersection;
Area 2 - south side of Main Street, east and west sides of Summit Street at their intersection

Reason for Referral:

US Route 9W (N. Highland Avenue), 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:

***Approve**

The proposed zone changes seem to be logical and well thought out. The rezonings will result in a zoning district that mirrors the existing land uses on the parcels, whereby non-conformity issues will be averted. Since the proposed zone changes will not have any adverse impacts on any County-wide interests, this matter is

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remanded for local determination.



Douglas J. Schuetz
Acting Commissioner of Planning

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

**The proposed action is deemed to have no significant negative impact on nearby municipalities, County or State roads or facilities, County Parks or Drainage Systems or the surrounding Neighborhood Character and, therefore, the ACTION IS FOR LOCAL DETERMINATION. Approval does not necessarily mean we endorse this subject action as desirable from the viewpoint of your municipality.*

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.