# Rockland County

Ed Day, Rockland County Executive

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

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

January 14, 2020

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

**Tax Data:** 65.35-1-5

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M
**Map Date:** 10/7/2019 **Date Review Received:** 12/20/2019

**Item:** ***3 WALDRON AVENUE (N-194)***

Site plan for the conversion of a single-family dwelling to a deli-restaurant located on 0.23 acres in the CC zoning district.
East side of Waldron Avenue, approximately 257 feet south of Route 59

**Reason for Referral:**

NYS Route 59, NYS Thruway (I-87/287), Town of Clarkstown, Long Path Hiking Trail

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:

***Disapprove**

1 Sheet A.1 provided with the application, dated October 7, 2019 (revision), is too difficult to read. The sheet includes the site plan, bulk table, project narrative, and notes for the project. Without being able to read any of this information clearly, it is hard to provide an accurate evaluation of the application. A new version of this sheet must be provided with a higher resolution so that each aspect of the site plan can be legible.

2 In addition, because the bulk table is too difficult to read, it is impossible to know if the dimensions of the project comply with the standards of the CC zoning district. If any variances are required, we request the opportunity to review them, as required by New York State General Municipal Law. A bulk table that is legible must also be provided so that we may accurately assess the site plan.

The following comments address our additional concerns about the proposal:

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

4 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

**3 WALDRON AVENUE (N-194)**

5 A review must be completed by the New York - New Jersey Trail Conference and any concerns addressed.

6 The proposed commercial building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

7 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Nyack Fire Inspector, or the Nyack Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

8 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.

9 There shall be no net increase in the peak rate of discharge from the site at all design points.

10 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers and employees.

11 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

12 All proposed signage shall be illustrated on the site plan and conform to the Village's sign standards.

13 The Referral Form states a map date of February 28, 2017, however the maps provided indicate a date of October 7, 2019. All materials must remain consistent.

14 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.

15 The site plan must contain a vicinity map with a scale and north arrow.

16 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.

17 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

## 3 WALDRON AVENUE (N-194)

New York - New Jersey Trail Conference

CDS Architect, PC
Town of Clarkstown
Nyack Fire Department

Rockland County Planning Board Members

**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.*