Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 8, 2020

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

Tax Data: 66.37-1-41

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/25/2020 **Date Review Received:** 8/21/2020

Item: ***48 SUMMIT STREET (N-196)***

Site plan for the construction of a new detached garage and a new deck with attached planters for an existing single-family dwelling located on approximately 0.13 acres in the TFR zoning district. An expansion and renovations of the existing porch are also proposed. A variance for rear setaback is required for the deck.

West side of Summit Street, approximately 85 feet north of Hudson Avenue

Reason for Referral:

NYS Thruway (I-87/287), Village of South Nyack

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 approximately 347 feet south of the subject property line. 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 site plan and provide any concerns related to the project to the Village of Nyack.

2 More information must be provided for the proposed garage to ensure it complies with Section 360-3.2E(1) of the Village Zoning Code.

3 A bulk table must be provided that shows compliance with the standards of the TFR zoning district.

4 Measurements shall be provided on the site plan that show the distances from the proposed deck and existing dwelling to the lot lines.

5 The site plan shall include map notes that list all appropriate information, including the district details. A vicinity map that has a north arrow and scale must also be provided.

48 SUMMIT STREET (N-196)

Douglas J. Schuetz
Acting Commissioner of Planning

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

Norman B. Peachey, L.S.
Village of South Nyack

**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.