

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 15, 2020

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

Tax Data: 59.84-1-44

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

Map Date: 10/4/2019

Date Review Received: 9/2/2020

Item: *OAK HILL CEMETERY (N-176B)*

Variance for an accessory structure greater than 12 feet in height to permit the construction of a community mausoleum at an existing cemetery located on approximately 37.625 acres in the SFR-1 zoning district.

West side of North Highland Avenue, north side of Sickles Avenue

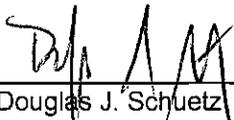
Reason for Referral:

North Highland Avenue (US Route 9W), NYS Thruway (I-87/287), Mountainview Nature Park, Long Path Hiking Trail, Town of Clarkstown, Village of Upper 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 A bulk table shall be provided that shows the proposed mausoleum is in compliance with the bulk standards of the SFR-1 zoning district. A note should be placed with the bulk table indicating the need for a height variance for the proposed structure. The yard measurements must also be shown on the site plan.
- 2 The height of the proposed mausoleum must be provided to determine the extent of the height variance that is required.
- 3 The vicinity map should show the subject site in relation to the surrounding parcels, rather than a topographic map.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Donald N. Hammond, Nyack
New York - New Jersey Trail Conference

OAK HILL CEMETERY (N-176B)

New York State Department of Transportation
New York State Thruway Authority
Rockland County Department of Health
Rockland County Division of Environmental Resources

Atlantic Consulting & Engineering LLC
Town of Clarkstown
Village of Upper 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.