



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz

Acting Commissioner

Arlene R. Miller

Deputy Commissioner

February 21, 2020

Nyack Town Board

9 North Broadway

Nyack, NY 10960

Tax Data: 65.36-2-30

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

Map Date:

Date Review Received: 1/27/2020

Item: *VILLAGE OF NYACK - ZONING MAP AMENDMENT (N-195)*

Local Law to amend the Zoning Map of the Village of Nyack to rezone and reclassify a parcel from the DMU-2 zoning district to the TFR zoning district. This parcel was mistakenly left out when the Village previously rezoned parcels along Catherine Street. The rezoning will bring the parcel into conformity with its current two/three-family dwelling use.

North side of Catherine Street, approximately 170 feet east of North Highland Avenue

Reason for Referral:

North & South Highland Avenue (US Route 9W), NYS Route 59

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:

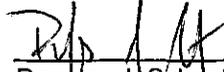
****Approve***

Since the proposed local law will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

1 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process:

1.1 If the zone change is approved, in order for the Rockland County Planning Department to update the zoning map for the Village of Nyack, a copy of the Town Board resolution adopting the zone change must be sent for our records. Once the map is updated, if further action is required to adopt the revised zoning map, it is the responsibility of the Village of Nyack.

VILLAGE OF NYACK - ZONING MAP AMENDMENT (N-195)



Douglas J. Schuetz
Acting Commissioner of Planning

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

**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.