



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax. (845) 364-3435

C. SCOTT VANDERHOEF  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

December 11, 2013

ARLENE R. MILLER  
Deputy Commissioner

South Nyack Planning Board  
Village Hall  
282 South Broadway  
South Nyack, NY 10960

**Tax Data:** 66.61-1-19.1

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

**Map Date:** 10/24/2013

**Date Review Received:** 11/21/2013

**Item:** COLIN GRAY & KELLY IRVINE (SN-34X)

Site plan for the proposed construction of a garage for an existing three-story dwelling in the R-12HC zoning district on .34 acres. Changes to the garage will include lowering the floor of the garage to street level, adding a curb cut and driveway; the original footprint will remain the same.  
West side of Berachah Avenue, north side of College Avenue, at the v-split

**Reason for Referral:**

Hillside Avenue (US Route 9W), 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**

Since the proposed project 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) A portion of the existing garage is located over the property line. The applicant should take this opportunity to correct this situation, and move the garage further west so that it is contained entirely on their parcel.

Thomas B. Vanderbeek, P.E.  
Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack  
New York State Department of Transportation

**COLIN GRAY & KELLY IRVINE (SN-34X)**

New York State Thruway Authority  
Bennett Reed Architects  
W.E. James Associates

*\*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.*