



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

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County Executive

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Acting Commissioner

ARLENE R. MILLER  
Deputy Commissioner

August 10, 2015

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

**Tax Data:** 66.45-3-14

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

**Map Date:** 7/8/2015

**Date Review Received:** 7/22/2015

**Item:** **OSWALD - 47 ELYSIAN AVENUE (SN-136)**

Site plan for a proposed deck addition to the rear of an existing dwelling located on .10 acres in the RG-4 zoning district. Several variances will be required to construct this proposed deck.  
South side of Elysian Avenue, approximately 158 feet east of Washington Street

**Reason for Referral:**

Village of Nyack, NYS Thruway

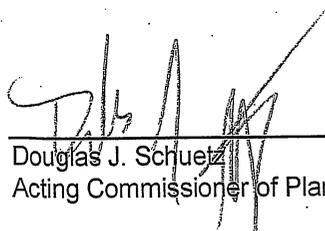
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

**\*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) The bulk table should list all variances needed to construct the proposed deck. The application form indicates that a variance will be needed for side yard, but it appears that a variance is also needed for maximum lot coverage. These should be noted on the plans.

cc: Mayor Bonnie Christian, South Nyack  
New York State Thruway Authority

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

**OSWALD - 47 ELYSIAN AVENUE (SN-136)**

Michael J. Scharff, AIA, LEED AP  
Village of Nyack

*\*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.*