

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

June 28, 2016

South Nyack Zoning Board of Appeals  
Village Hall  
282 South Broadway  
South Nyack, NY 10960

**Tax Data:** 66.53-2-69.2 66.53-2-69.1

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

**Map Date:** 5/17/2016

**Date Review Received:** 6/22/2016

**Item:** *JOEL CELESTIN (SN-144A)*

Variances to permit the construction of a stair landing and porch, and installation of an egress window for an existing residence located in the RG-4 zoning district on .122 acres. Required variances include: re-affirmation of the zoning for a non-conforming property, less than the required lot area, front yard, side yard, and rear yard, and greater than permitted development coverage. The lot area and yard variances are pre-existing, and the development coverage has decreased slightly.

North side of Brookside Avenue, approximately 257 feet west of S. Franklin Street

**Reason for Referral:**

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:

***\*Recommend the following modifications***

1 The Public Hearing notice dated June 21, 2016 indicates that this parcel is within the RG-6 zoning district. The Referral Form and the Site Plan indicate that this parcel is within the RG-4 zoning district. This discrepancy must be corrected, and if the Public Hearing Notice is incorrect, it must be re-issued.



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Douglas J. Schuetz  
Acting Commissioner of Planning

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

Kier B. Levesque, RA

**JOEL CELESTIN (SN-144A)**

*\*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.*