Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 2, 2016

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

Tax Data: 66.78-1-26

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 4/18/2016 **Date Review Received:** 4/19/2016

Item: ***CHAIM GUBITZ (SN-142)***

Site plan for the installation of a circular driveway, flagstone walkway, dock, bulkheads, and carport for an existing single-family dwelling located in the HRA zoning district on .67 acres. Either a demountable seasonal cloth and pole shelter is proposed, or a one-story brick carport attached to the northwest comer of the house.

Southeast side of Salisbury Place, approximately 440 feet south and east of the intersection with Salisbury Point

Reason for Referral:

Town of Orangetown

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 review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

2 A review shall be completed by the New York State Department of Environmental Conservation and any required permits obtained.

3 A review must be completed by the New York State Department of State, Division of Coastal Zone management, and all required permits obtained.

CHAIM GUBITZ (SN-142)

4 The Floodplain Administrator for the Village of South Nyack shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

5 If a variance is required, depending on which option is selected, then we request the opportunity to review the application to review any variances which may be necessary to implement the proposed site plan.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack
New York State Department of State,
Division of Coastal Zone Management
United States Army Corps of Engineers

Degenshein Architects
W.E. James Engineering and Land Surveying, PLLC
Town of Orangetown

**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.