

**DEPARTMENT OF PLANNING**

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

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

May 4, 2016

South Nyack Zoning Board of Appeals  
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-142A)*

The application must appear before the Zoning Board of Appeals (ZBA) for two issues to address the proposal for the installation of a demountable cloth and pole shelter carport located on a parcel that is within the HRA zoning district on .67 acres. ZBA review is required, as cited in Article XI, Section 110-11.1A.1., for any lot that is currently non-compliant with the yard requirements, even if the proposed new action does not extend the non-conformity. Since the side yard and both side yards are currently non-compliant, the ZBA must review this application. Secondly, an interpretation of the zoning ordinance is being requested to determine if the temporary structure needs to conform to the side yard requirement. If so, then a side yard variance will be required.

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

**Reason for Referral:**

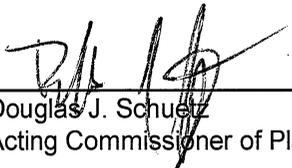
Town of Orangetown

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:

***\*Approve***

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

**CHAIM GUBITZ (SN-142A)**

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack

Degenshein Architects  
Town of Orangetown

*\*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.*