

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 24, 2016

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

Tax Data: 66.62-2-28

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

Map Date: 1/11/2016

Date Review Received: 3/4/2016

Item: *MONISOFF ADDITION (SN-139A)*

Variance for front yard to permit additions to an existing single-family residence located in the R-12 zoning district on .35 acres. The applicant is planning on abandoning the lowest level of the house, which is located within the 100-year flood zone of the Hudson River, and construct a one-story addition to the south and a second floor addition to the north of the residence.

North side of Gesner Avenue, east end of Gesner Avenue at the Hudson River

Reason for Referral:

Town of Orangetown (at the Hudson River)

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 comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process.

1.1 The measurement shown on the map for the front yard is labeled as 17' 10", though the bulk table lists it as 17.83. In addition, the side yard shown on the map is labeled 28' 4" but the table lists it as 28.3. These discrepancies must be corrected.

MONISOFF ADDITION (SN-139A)



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cc: Mayor Bonnie Christian, South Nyack

Kier B. Levesque, RA
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.