

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

November 16, 2016

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

Tax Data: 66.69-1-6.1 66.69-1-6 66.69-1-5

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

Map Date: 10/21/2016

Date Review Received: 10/24/2016

Item: *RIVER REVIEW (SN-147)*

Re-subdivision of three lots into one residential building lot on a total of .41 acres in the RG-8H/R-12H zoning district. A site plan for the proposed single-family dwelling is also proposed.
Southeast end of Riverview Avenue, approximately 190 feet south of US Route 9W

Reason for Referral:

US Route 9W, NYS Thruway, 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 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 2 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.
- 3 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- 4 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.

RIVER REVIEW (SN-147)

6 The Bulk Table references the R-8 zoning district instead of the RG-8H/R-12H zoning district. This must be corrected.

7 The Vicinity Map and Map Note #1 under the General Notes section only reference lots 5 and 6. This subdivision also includes lot 6.1, based on the County tax maps, the survey, and the application forms submitted with the application. The map itself only illustrates one lot line to be abandoned. The Vicinity Map, General Notes, and the actual subdivision plat must be updated to include all three parcels.

8 The Bulk Table lists the adjusted, or net lot area. The gross lot area should also be provided.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack
New York State Department of Transportation
New York State Thruway Authority
Rockland County Drainage Agency
Rockland County Department of Health

Centerpoint Engineering 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.