

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 1, 2016

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

Tax Data: 66.78-1-27

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

Map Date: 5/17/2016

Date Review Received: 10/20/2016

Item: *SALISBURY POINT COOPERATIVE - AT & T UPGRADES (SN-59P)*

Variance to permit the expansion of a non-conforming use, for the modification of an existing wireless telecommunication facility on the rooftop of Building #4 in the Salisbury Point Cooperative, which is located on 5.6 acres in the High Rise Apartments (HRA) zoning district. Modifications include: replacing six of the existing panel antennas with new panel antennas, replacing three of the existing DC2 surge suppression boxes with three DC6 surge suppression boxes, replacing six small remote radio heads with six new remote radio heads, adding three additional remote radio heads, and adding one DC12 surge suppression box, all located on the existing rooftop. All of the work on the rooftop will be below the existing rooftop appurtenances, and within the confines of the existing base station. In addition, three remote radio heads, cabling, and other minor appurtenances are proposed within the existing equipment room. These modifications will not change the height of the existing building nor increase the size of the base station.

East side of Piermont Avenue, 300 feet south of the intersection with Salisbury Place

Reason for Referral:

New York State Thruway, River Road (CR1), Town of Orangetown (at the Hudson River), Village of Grand View-on-Hudson

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 expansion of a non-conforming use will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

SALISBURY POINT COOPERATIVE - AT & T UPGRADES (SN-59P)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack
New York State Thruway Authority
Rockland County Department of Highways

Maser Consulting P.A.
Town of Orangetown
Village of Grand View-on-Hudson

**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.