Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 19, 2017

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

Tax Data: 66.54-2-3

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/7/2017 **Date Review Received:** 12/8/2017

Item: ***AMOS & AMI BONAWITZ DODI - SITE PLAN REVIEW (SN-88E)***

A site plan review to allow the construction of a new single-family residence on a 0.09 acre, non-conforming lot within a RG-6 zoning district. Variances are required for front yard, total lot coverage, rear yard, side year and total side yards.

Eastern side of Piermont Avenue, west of the Hudson River, approximately 210 feet south of Cedar Hill Avenue.

Reason for Referral:

Town of Orangetown, Village of Nyack

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 The site plan dated December 6, 2017 and the December 6, 2017 notice of the December 20, 2017 Planning Board meeting incorrectly indicate the lot number as 6, not 3. Both must be corrected and the public hearing notice must be re-issued.

2 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

3 The concerns raised in the July 11, 2017 letter from the New York State Department of Environmental Conservation must be addressed.

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.

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5 There shall be no net increase in the peak rate of discharge from the site at all design points.

6 Proximity to the Village of Nyack and the Town of Orangetown is the reason this proposal was referred to this department for review. The municipal boundary with Orangetown is approximately 50-55 feet east of the site at the Mean High Water line, and the municipal boundary with the Village of Nyack is approximately 230 feet north of the subject property line. As required under Section 239nn of the State General Municipal Law, both municipalities have been given the opportunity to review the proposal and provide any concerns related to the project to the Village of South Nyack. The Village of Nyack has reviewed the project and has no comments. The Town of Orangetown Department of Environmental Management and Engineering has provided comments on this project in their letter dated October 26, 2017. All comments from the Town of Orangetown must be addressed.

7 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.

8 The proposed placement of the silt fence is located on the adjacent property to the rear of the site. All erosion control measures must be contained on site.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack
New York State Department of Environmental Conservation
Rockland County Department of Health

Anthony R. Celentano P.E.
Town of Orangetown
Village of Nyack

**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.