

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

April 17, 2017

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: 3/17/2017

Date Review Received: 3/21/2017

Item: *REBA MONISOFF (SN-151A)*

Variance(s) to permit the construction of an in-ground swimming pool, and the relocation of the emergency generator for an existing single-family dwelling located on 1.01 acres in the R-12 zoning district.

North side 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:

****Recommend the following modifications***

1 It must be clarified what variance(s) is/are required for this application. The cover letter dated March 20, 2017 from Kier B. Leveque, Architect indicates that all previous non-conforming conditions received zoning approval, and that no new non-conformities were being created. The Referral Form from the Village indicates that a variance is required for lot area (to expand a pre-existing non-conforming use), and rear yard. The bulk table lists that a front yard variance is required, but a footnote indicates that variances were granted on April 5, 2016. The required variances must be clarified, and the public hearing notice re-issued if it did not include all of the pertinent variances.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack

REBA MONISOFF (SN-151A)

Kier B. Levesque, RA
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.