

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 4, 2017

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

Tax Data: 66.45-2-8

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

Map Date:

Date Review Received: 3/21/2017

Item: *PINCUS - 119 CEDAR HILL AVENUE (SN-150)*

Appeal from Article XI, Section 110.11.2 Non-Conforming Use Permit, to allow the continuance of a non-conforming use (a three-family dwelling) upon the sale of the property to a new owner. The parcel is located on .13 acres in the RG-4 zoning district, which permits one- and two-family dwellings. Southeast corner of Cedar Hill Avenue and Washington Street

Reason for Referral:

Village of Nyack, NYS Thruway

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 is difficult to assess the proposal without a site plan. In order to permit the continuance of a three-family dwelling, adequate parking must be demonstrated on the site, as required in Article X, Section 110-10.2. A minimum of two parking spaces are required for one- and two-family residences; and 2.5 spaces per dwelling unit for a multi-family residence.

A site plan must be provided that illustrates that sufficient parking is provided for the non-conforming use.

2 The site plan must include a bulk table for the proposed use/district. It must be demonstrated that all bulk requirements are achieved.

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3 The Village of Nyack is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern property line of the site, within the centerline of Cedar Hill Avenue. As required under Section 239nn of the State General Municipal Law, the Village of Nyack must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of South Nyack.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack
New York State Thruway Authority

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.