



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 14, 2018

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

Tax Data: 66.54-1-31

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

Map Date: 6/28/2018

Date Review Received: 7/16/2018

Item: *DONER/HIRN RESIDENCE - 7 BROOKSIDE AVENUE (SN-158)*

A site plan application to construct a front covered porch and reconfigure the kitchen and cellar entry for an existing single-family dwelling on 0.28 acres in the RG-6 zoning district.

The southern side of Brookside Avenue, approximately 95 feet west of South Broadway.

Reason for Referral:

NYS Thruway - I-87/287

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 bulk table heading indicates the property is a Place of Worship and must be corrected to One-Family Dwelling. In addition, the bulk table indicates the required front yard is 35 feet. According to the Table of Use and Bulk Requirements, the required front yard is 25 feet. The bulk table must be corrected.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack
New York State Thruway Authority
Kier B. Levesque, RA

DONER/HIRN RESIDENCE - 7 BROOKSIDE AVENUE (SN-158)

**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.