Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 3, 2018

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

Tax Data: 66.54-2-11

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 4/17/2017 **Date Review Received:** 12/15/2017

Item: ***LIVING CHRIST CHURCH - OLSEN CENTER (SN-155)***

A four-lot subdivision of 6.484 acres in the R-12 zoning district. An existing three-story, mixed use building is to be removed.
The eastern side of Piermont Avenue, approximately 420 feet north of Clinton Avenue.

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 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

2 The Town of Orangetown is the reason this proposal was referred to this department for review. The municipal boundary is along the mean high tide water mark of the Hudson River, on the eastern side of the upland area of the property. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of South Nyack.

3 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

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4 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

5 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

6 Prior to the start of construction, grading, or demolition, 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.

7 Map note 4 indicates there are three lots proposed, not four. Map note 8 states the water district is United Water, not Suez. The notes must be corrected.

8 The applicant must comply with all comments in the December 19, 2017 letter from the Rockland County Department of Health.

9 The upland areas of the property are characterized by steep slopes and appear to be located within the AE flood zone on available digital flood maps. As per Village of South Nyack Zoning Law sections 110-7.2 (Bulk Standards for Development of Unsuitable Land) and 110-7.3 (Development on Hillsides), the site plan must include FEMA floodplain information and a topographic analysis of the site, and show calculations and the adjusted lot areas of the parcels after accounting for areas of steep slope and floodplains.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack
Rockland County Drainage Agency
Rockland County Department of Health

Atzl, Nasher & Zigler P.C.
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.

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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.