

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

February 26, 2018

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

Tax Data: 66.62-2-5

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

Map Date: 1/5/2018

Date Review Received: 1/26/2018

Item: SHARPE RESIDENCE - INSTALL POOL (SN-80F)

A site plan application to install an inground pool, patio and pavilion for an existing single-family residence on 0.73 acres in the R-12 zoning district. The property is located within the Critical Environmental Area 1.

An interior lot on the western side of the Hudson River, approximately 150 feet east of Voorhis Point and 195 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 The calculations for lot area adjustments for areas of steep slopes are not shown in their entirety and may be in error. The site plan indicates that areas with a slope of 26-35% receive a 60% credit, and areas with a slope of 16-25% receive a 40% credit. Village regulations state that areas with a slope of 26-35% receive a 40% credit, and areas with a slope of 16-25% receive a 60% credit. The areas of steep slope, with their square footages, must be shown on the site plan, and the lot area adjustment calculations must be made with the correct credit percentages. If a corrected lot area adjustment results in the project exceeding the maximum coverage limit, the proposal must be scaled back to comply with the village's regulations.
- 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 applicant must comply with all comments made by the New York Department of Environmental Conservation in their letter of February 14, 2018.

SHARPE RESIDENCE - INSTALL POOL (SN-80F)

- 4 The applicant must comply with the comment made by the Town of Orangetown Planning Board in their letter of February 2, 2018, and show the existing sanitary sewer house connection or sanitary septic system on the site plan.
- 5 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.
- 6 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 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 A landscaping plan that screens the project and required retaining walls from neighboring properties shall be provided.
- 9 Any proposed exterior lighting must be shown on a lighting plan that demonstrates that the intensity of candle lumens is less than 0.1 at the property line.



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

Thomas W. Skrable, P.E.
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.