

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 11, 2019

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

Tax Data: 66.54-2-2

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

Map Date: 6/28/2019

Date Review Received: 8/16/2019

Item: *HALEY/JUHL RESIDENCE - 126 PIERMONT AVENUE (SN-166)*

A site plan application to construct a 1-story addition to an existing single-family dwelling on 0.28 acres in the RG-6 zoning district. A variance is required for side yard.

The western side of Piermont Avenue, approximately 260 feet south of Cedar Hill Avenue

Reason for Referral:

Town of Orangetown (at the Hudson River), Village of Nyack

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 Town of Orangetown and the Village of Nyack are the reasons this proposal was referred to this department for review. The Town of Orangetown boundary is approximately 160 feet east of the parcel, at the Hudson River. The Village of Nyack boundary is approximately 310 feet north of the parcel. As required under Section 239nn of the State General Municipal Law, these municipalities must be given the opportunity to review the proposal and provide any concerns related to the project to the Village of South Nyack.
- 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 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 Standards for Urban Erosion and Sediment Control.
- 4 There shall be no net increase in the peak rate of discharge from the site at all design points.

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5 Section 110-11.1.A(1) of the Village zoning regulations states "neither a nonconforming use nor a building that is nonconforming as to bulk shall be enlarged, extended, reconstructed or placed on a different portion of the lot..." Although the existing structure encroaches upon the side yard, the proposed addition also encroaches upon the side yard and requires a variance. We request the opportunity to review the variance application needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

6 The bulk table must be amended to indicate that a side yard variance is required.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Jeffrie Lane, Architect
Town of Orangetown Planning Board
Village of Nyack Planning Board

**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.