

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 13, 2019

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

Tax Data: 66.78-1-26

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/19/2018

Date Review Received: 1/10/2019

Item: *ZITBUG REVOCABLE TRUST (SN-142F)*

A site plan application to construct a new fixed dock extending past Mean Low Water for an existing single-family residence on 0.67 acres in the R-12 zoning district.

The southeastern side of Salisbury Place, approximately 440 feet south and east of the intersection with Salisbury Point.

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 Town of Orangetown is the reason this proposal was referred to this department for review. The municipal boundary is along the southeastern property line of the site, at the mean high water line of the Hudson River. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of South Nyack.

2 The designated 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack
New York State Department of Environmental Conservation

ZITBUG REVOCABLE TRUST (SN-142F)

United States Army Corps of Engineers
New York State Department of State
Federal Emergency Management Agency

Sparaco & Youngblood, PLLC
Town of Orangetown 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.