



Rockland County

Ed Day, Rockland County Executive

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

March 2, 2020

South Nyack Zoning Board of Appeals
Village Hall
282 South Broadway
South Nyack, NY 10960

Tax Data: 66.77-1-20

Re: **GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M
Map Date: 12/30/2019

Date Review Received: 2/10/2020

Item: **HAGAN RESIDENCE - 1 HAMILTON PLACE (SN-167A)**

A variance application to allow the construction of a one-story addition, adding a roof over an existing rear deck, and adding a second story bedroom balcony to an existing single-family dwelling on 0.08 acres in the RG-4 zoning district. Variances are required for side yard and total side yard. The northern side of Hamilton Place, approximately 100 feet west of South Broadway

Reason for Referral:

US Route 9W, NYS Thruway (I-87/287), Town of Orangetown

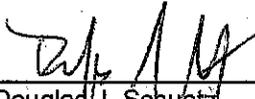
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

**Recommend the following modifications*

- 1 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 250 feet south and 370 feet west of the parcel. 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 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 bulk table indicates that the side yard is an existing non-conforming condition, and the GML referral form indicates that only a total side yard variance is required. Section 330-69.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 is non-conforming for the side yard, the proposed addition and balcony also encroach upon the side yard and, therefore, require an additional variance. The bulk table and referral form must be amended to indicate that a side yard variance is required. The public hearing notice must be reviewed and, if it contains inaccurate or incomplete information, re-issued.

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4 The site plan shall contain map notes with district information, and vicinity map with a north arrow and scale.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack
Rockland County Department of Health
New York State Department of Transportation
New York State Thruway Authority

George Hodosh Associates
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.