

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene Miller**  
*Deputy Commissioner*

June 12, 2020

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

**Tax Data:** 65.60-1-22

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

**Map Date:** 7/11/2018

**Date Review Received:** 5/15/2020

**Item:** *NYACK COLLEGE - 4 UPLAND DRIVE (SN-168C)*

An application to amend an existing Special Permit to allow the conversion of an existing structure within a Private Educational Campus to residential use on 0.67 acres in the R-18 zoning district. No changes to the building exterior or footprint are proposed.

The southern side of Upland Drive, approximately 510 feet west of South Boulevard

**Reason for Referral:**

Town of Orangetown, Blauvelt State Park, Long Path Trail, South Highland Avenue (CR 38)

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 Single-family dwellings are allowed as-of-right in the R-18 zoning district. While the site plan and accompanying materials appear to indicate that the existing structure will be used as a single-family dwelling, the application does not explicitly state the proposed use. The applicant must confirm that the existing structure is to be used only as a single-family dwelling. If it is not, then another review of the special permit must be undertaken.
- 2 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.
- 3 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 4 A review must be completed by the New York - New Jersey Trail Conference and any concerns addressed.

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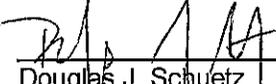
5 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 360 feet west of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Orangetown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Orangetown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 The site plan provided has several inadequacies. The site plan must be stamped and signed by an engineer or surveyor. A bulk table, map notes with district information, and parking calculation must be provided. Any areas of steep slopes must be identified and calculations for lot area deductions must be included.

7 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

8 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack  
Rockland County Department of Highways  
Palisades Interstate Park Commission  
New York - New Jersey Trail Conference  
  
LMS Surveying Ltd  
Town of Orangetown Planning Board  
Montalbano, Condon & Frank, P.C.

*\*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.*

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*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.*