

**DEPARTMENT OF PLANNING**  
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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

July 23, 2020

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

**Tax Data:** 66.45-3-11

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

**Map Date:** 7/8/2020

**Date Review Received:** 7/13/2020

**Item:** *REYES - 57 ELYSIAN AVENUE (SN-169)*

A site plan application for interior alterations to re-establish occupancy as a two-family residence and re-establish an existing garage on 0.10 acres in the RG-4 zoning district. No expansion or changes to building footprints are proposed. The site has existing non-conformities for lot area, lot width, side yard, total side yard, maximum building coverage, and number of parking spaces.

The southern side of Elysian Avenue, approximately 40 feet east of Washington Street

**Reason for Referral:**

NYS Thruway (I-87/287), 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***

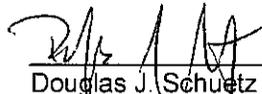
- 1 The Village of Nyack is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 315 feet north of the site. As required under Section 239nn of the State General Municipal Law, the Village of Nyack must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of South Nyack.
- 2 In its current condition, the site exceeds the maximum building coverage requirement by 45%. Considering the site's location within a Critical Environmental Area (CEA 2: Run-Off Area), the percentage of impervious surface must be reduced through removal of impervious surfaces and incorporation of pervious pavers or similar materials.
- 4 The bulk table does not indicate that the side and total side yard non-conformities are pre-existing conditions. In addition, the bulk table does not provide information regarding the required and proposed number of parking spaces. The bulk table must be amended to address these items.
- 5 Specific parking spaces must be delineated on the site plan.

**REYES - 57 ELYSIAN AVENUE (SN-169)**

6 The map notes on the site plan must contain district information.

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.



Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack  
New York State Thruway Authority

Jorge B. Hernandez, R.A., A.I.A  
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.*