COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

January 29, 2015

Upper Nyack Zoning Board of Appeals
328 North Broadway
Upper Nyack, NY 10960

Tax Data: 60.06-1-5.1

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

Map Date: 12/18/2014

Date Review Received: 1/20/2015

Item: ***649 NORTH BROADWAY, LLC (UN-21B)***

Variance to allow the regrading of the driveway for an existing residence in the R-1 zoning district on 3.27 acres, with greater than permitted building height.
East side of North Broadway, opposite Larchdale Avenue

Reason for Referral:

Nyack Beach State Park, Town of Clarkstown (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:

Approve

Since the proposed project will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Michael Esmay, Upper Nyack
Palisades Interstate Park Commission
Town of Clarkstown

649 NORTH BROADWAY, LLC (UN-21B)

**The proposed action is deemed to have no significant negative impact on nearby municipalities, County or State roads or facilities, County Parks or Drainage Systems or the surrounding Neighborhood Character and, therefore, the ACTION IS FOR LOCAL DETERMINATION. Approval does not necessarily mean we endorse this subject action as desirable from the viewpoint of your municipality.*

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.