



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

**EDWIN J. DAY**  
County Executive

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax. (845) 364-3435

**DOUGLAS J. SCHUETZ**  
Acting Commissioner

**ARLENE R. MILLER**  
Deputy Commissioner

May 7, 2015

Upper Nyack Planning Board  
328 North Broadway  
Upper Nyack, NY 10960

**Tax Data:** 60.14-1-8

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

**Map Date:** 3/26/2015

**Date Review Received:** 4/9/2015

**Item:** *SHANNON & JOHN DEDYO (UN-74)*

Site plan for the proposed installation of a swimming pool for an existing residence located in the R-2 zoning district on 1.2 acres.

East side of N. Broadway, approximately 28 feet south of Old Mountain Road

**Reason for Referral:**

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:

***\*Recommend the following modifications***

- 1 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 2 There shall be no net increase in the peak rate of discharge from the site at all design points.

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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Jeffrey Hindin, Upper Nyack

Karen Arent Landscape Architect  
Town of Clarkstown

**SHANNON & JOHN DEDYO (UN-74)**

*\*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.*