



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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

EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

March 6, 2015

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

Tax Data: 60.13-2-81.12

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

Map Date: 2/17/2015

Date Review Received: 2/27/2015

Item: *RIVERTON (COURTYARD AT UPPER NYACK) (UN-39K)*

Site plan for the proposed construction of a single-family residence in the OB zoning district on .48 acres.
Northeast corner of US Route 9W and Riverton Drive

Reason for Referral:

US Route 9W, Town of Clarkstown

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 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Health and all required permits obtained.
- 3 The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 460 feet west of the site. As required under Section 239nn of the State General Municipal Law, the Town of Clarkstown must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Upper Nyack.
- 4 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.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.

RIVERTON (COURTYARD AT UPPER NYACK) (UN-39K)

6 The tax map identification number for this parcel is 60.13-2-81.12. The application form and referral form both list the tax parcel as 60.13-2-12. The forms should be corrected so that the correct tax parcel number is provided. If the public hearing notice lists the parcel as 60.13-2-12, it must be corrected as well to 60.13-2-81.12.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Michael Esmay, Upper Nyack
New York State Department of Transportation
Rockland County Department of Health
Atzl, Nasher & Zigler P.C.
Town of Clarkstown

**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.