



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

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

January 29, 2015

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 60.18-1-13

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

**Map Date:** 12/17/2014

**Date Review Received:** 12/29/2014

**Item:** *VAN HOUTEN HOLDING CORP. (UN-69A)*

Site plan to allow the installation of a new travelift with an upland washdown pad; the relocation of a boat pumpout facility; replacement of bulkheading with minor realignments and additions; reconfiguration to the pile anchored floating docking facilities; and replacement of the previously approved and realigned building. Special permit to allow the continued operation of boatyard/shipyard activities, including boat building, marine contracting, and dock building for recreational and commercial boating. The site is located on 2.5 acres in the Marine Business (MB) zoning district.

East end of Castle Heights Avenue and Van Houten Street, on the Hudson River

**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 A review must be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- 2 A review must be completed by the New York State Department of State, Division of Coastal Zone Management, and all required permits obtained.
- 3 A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
- 4 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

**VAN HOUTEN HOLDING CORP. (UN-69A)**

- 5 A review must be completed by the County of Rockland Department of Health and all required permits obtained.
- 6 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.
- 7 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 8 The floodplain Administrator for the Village of Upper Nyack shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency (FEMA).
- 9 It is our understanding that the Flood Insurance Rate Maps (FIRM) were updated and released March 3, 2014. However, the site plan, Sheet SD-01, references community panel number 360679 0016 E, dated May 18, 2000. Since the flood plain information may be different on these two FIRM panels, the most up-to-date maps must be used and referenced for the site plan. In addition, the flood plain elevation must be shown on the site plan.
- 10 This site is located almost completely within the Advisory Base Flood Elevation (ABFE) of the Hudson River. FEMA has created ABFE maps to show a more current picture of flood risk for certain communities affected by Hurricane Sandy. The Advisory information can help communities better understand current flood risks and ensure structures are rebuilt stronger and safer to reduce the impact of similar events in the future. The ABFE must be shown on the site plan.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Michael Esmay, Upper Nyack  
New York State Department of Environmental Conservation  
United States Army Corps of Engineers  
Rockland County Sewer District #1  
Rockland County Department of Health  
Lemond and Associates  
Town of Clarkstown  
Daniel S. Natchez and Associates, Inc.  
New York State Department of State,  
Division of Coastal Zone Management

*\*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.*