



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

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County Executive

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Acting Commissioner

ARLENE R. MILLER  
Deputy Commissioner

March 6, 2015

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

**Tax Data:** 60.13-2-81.18

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

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

**Date Review Received:** 2/9/2015

**Item:** *WB UPPER NYACK (UN-39J)*

Site plan for the proposed construction of a single-family residence in the OB zoning district on .63 acres. West side of Riverton Drive, east side of US Route 9W, approximately 100 feet north of the intersection of Riverton Drive and US Route 9W

**Reason for Referral:**

US Route 9W, Federal wetlands

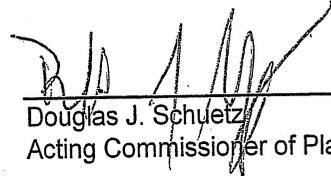
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*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 shall be completed by the United States Army Corps of Engineers and all required permits obtained.
- 3 A review must be completed by the County of Rockland Department of Health and any required permits obtained.
- 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.

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6 A map note should be placed on the site plan indicating that the conservation easement is to remain undisturbed on the parcel. In addition, the conservation easement should be indicated in the deed so that the future property owners will know what limitations there are on the lot.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Michael Esmay, Upper Nyack  
New York State Department of Transportation  
Rockland County Department of Health  
United States Army Corps of Engineers  
Atzl, Nasher & Zigler P.C.

*\*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.*