Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
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Pomona, New York 10970
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 28, 2016

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

Tax Data: 60.09-2-91

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/14/2016 **Date Review Received:** 9/7/2016

Item: ***MICHAEL BREGANTI (UN-83A)***

Variances for front yard, side yard, and rear yard to legalize the construction of two decks, stairs, slate patio, stone wall, three sheds, and a stone wall within the Village right-of-way, that currently exist, for a dwelling located on .338 acres in the R-4 zoning district.

East side of Old Mountain Road, approximately 64 feet southeast of US Route 9W

Reason for Referral:

US Route 9W, Town of Clarkstown, Long Path

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, any concerns addressed, and any required permits obtained.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jeffrey Hindin, Upper Nyack
New York State Department of Transportation
New York - New Jersey Trail Conference

Collzauol Engineering & Surveying Assoc., LLC
Town of Clarkstown

MICHAEL BREGANTI (UN-83A)

**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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.