

**DEPARTMENT OF PLANNING**  
Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

August 30, 2016

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

**Tax Data:** 60.17-3-4

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 7/12/2016

**Date Review Received:** 8/10/2016

**Item: SMK WEST END AVENUE (UN-15A)**

Site plan for the proposed construction of a new single-family residence located on .289 acres in the R-4 zoning district.

North end of West End Avenue at the Village of Nyack boundary

**Reason for Referral:**

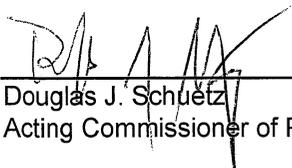
Village of Nyack

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 The Village of Nyack is the reason this proposal was referred to this department for review. The municipal boundary is directly south of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Nyack must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Upper Nyack.

2 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Jeffrey Hindin, Upper Nyack  
Rockland County Department of Health

Jay A. Greenwell, PLS, LLC  
Village of Nyack Planning Board

**SMK WEST END AVENUE (UN-15A)**

*\*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.*