Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 4, 2017

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

Tax Data: 60.14-1-7

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/19/2017 **Date Review Received:** 2/24/2017

Item: ***SANDERS - POOL HOUSE/GARAGE (UN-87)***

Site plan for the proposed construction of an inground swimming pool and pool house/garage for an existing dwelling located on 1.50 acres in the R-2 zoning district. A variance for lot coverage is required.

East side of N. Broadway, opposite Old Mountain Road

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 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.

2 There shall be no net increase in the peak rate of discharge from the site at all design points.

3 Permeable materials should be used wherever possible, to help reduce the extent of the maximum lot coverage.

4 The Town of Clarkstown is the reason this proposal was referred to this department for review. The municipal boundary is approximately 250 feet east of the subject property line. As required under Section 239nn of the State General Municipal Law, the Town of Clarkstown must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Upper Nyack.

SANDERS - POOL HOUSE/GARAGE (UN-87)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jeffrey Hindin, Upper Nyack

Jay A. Greenwell, PLS, LLC
Town of Clarkstown Planning Board

**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.