Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 6, 2018

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

Tax Data: 60.05-2-34

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 10/14/2017 **Date Review Received:** 8/21/2018

Item: ***AHMETAJ (UN-8G)***

Site plan for a proposed inground swimming pool for an existing two-story dwelling located on 1.35 acres in the R-1 zoning district.
West side of Palmer Drive, east side of US Route 9W, opposite Kuyper Drive

Reason for Referral:

US Route 9W, Long Path, Town of Clarkstown

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 Transportation, and any required permits obtained.

2 A review must be completed by the Rockland County Department of Health to ensure compliance with the County Mosquito Code.

3 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.

4 The parcel contains several retaining walls. The easternmost retaining wall appears to be in conflict with the proposed inground swimming and waterfall. The plans must indicate if the retaining wall will remain as is, or if a new wall must be constructed; and if so, the new wall must be illustrated on the site plan.

5 Any change in the grading for the site must be clearly illustrated on the site plan.

AHMETAJ (UN-8G)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Karen Tarapata, Upper Nyack
New York State Department of Transportation
New York - New Jersey Trail Conference
Rockland County Department of Health
Rockland County Sewer District #1

Paul Gdanski, PE, PLLC
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.