Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 15, 2018

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

Tax Data: 60.06-1-2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/10/2018 **Date Review Received:** 9/15/2018

Item: ***STAIRCASE TO RIVER - PLAN B (UN-27B)***

Variances to permit the construction of a proposed staircase to access the Hudson River, for an existing residence located on 1.04 acres in the R-1 zoning district. Access is over steep terrain, beginning near a relatively level area at the northeast corner of the site, and landing at a sandstone outcropping, which is a natural step to the beach, further east on the site. Variances are required for rear and side yards to implement the staircase with the landing at the sandstone outcropping.

Approximately 255 feet east of North Broadway, just south of the border of Nyack Beach State Park, and on the Hudson River

Reason for Referral:

Town of Clarkstown (at the Hudson River), Nyack Beach State Park

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 Palisades Interstate Park Commission and any comments or concerns addressed.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Karen Tarapata, Upper Nyack
Palisades Interstate Park Commission

Martos Engineering
Town of Clarkstown Planning Board

STAIRCASE TO RIVER - PLAN B (UN-27B)

**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.