

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 12, 2019

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

Tax Data: 60.17-1-18

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 3/28/2019

Date Review Received: 7/26/2019

Item: *MAJID BOZORGOMID/312 NORTH MIDLAND AVENUE (UN-96)*

Legalization of an existing single-family dwelling as a two-family dwelling located on 0.14 acres in the R-4 zoning district. The house has previously been taxed as a two-family dwelling and is metered separately for all utilities.

Northwest corner of North Midland Avenue and Highmount Avenue

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:

****Approve***

Since the proposed legalization of an existing single-family dwelling as a two-family dwelling will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

The following additional comments are offered strictly as suggestions or observations and are not part of our required General Municipal Law (GML) review. The Board may have already addressed these points or may disregard them without any formal vote required under the GML process.

1 The provided site plan shall include a vicinity map with a north arrow and scale. Map notes that list all appropriate information, including the district details, should also be included. In addition, a bulk table that shows compliance with the R-4 bulk standards shall be provided.

MAJID BOZORGOMID/312 NORTH MIDLAND AVENUE (UN-96)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Karen Tarapata, Upper Nyack

Anthony R. Celentano P.L.S.
Village of Nyack

**The proposed action is deemed to have no significant negative impact on nearby municipalities, County or State roads or facilities, County Parks or Drainage Systems or the surrounding Neighborhood Character and, therefore, the ACTION IS FOR LOCAL DETERMINATION.
Approval does not necessarily mean we endorse this subject action as desirable from the viewpoint of your municipality.*

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.