Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 12, 2019

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

Tax Data: 60.18-1-13

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/25/2019 **Date Review Received:** 5/13/2019

Item: ***K. GRAEFE & SONS CORP. d/b/a NORTH RIVER SHIPYARD (UN-69E)***

Interpretation of the Zoning Ordinance, and appeal of the administrative decision of the building inspector, who issued a notice of violation, citing six non-compliant aspects of the site, for an existing shipyard located in the Marine Business (MB) zoning district on 3.545 acres.
East of Van Houten Street and Castle Heights Avenue, on the Hudson River

Reason for Referral:

Town of Clarkstown (at the mean high tide of 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:

***Approve**

Since the proposed administrative decision review of the building inspector and interpretation of the zoning ordinance will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Karen Tarapata, Upper Nyack

Jay A. Greenwell, PLS, LLC
Town of Clarkstown Planning Board
George Hodosh Associates-Architects, P.C.

K. GRAEFE & SONS CORP. d/b/a NORTH RIVER SHIPYARD (UN-69E)

**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.