

DEPARTMENT OF PLANNING

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

Arlene R. Miller
Deputy Commissioner

March 25, 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: 2/22/2019

Item: *NORTH RIVER SHIPYARD (UN-69D)*

Special permit and variance to permit the operation of a mobile crane on the site of a shipyard located on 3.545 acres in the MB (Marine Business) zoning district.
East of Van Houten Street on the Hudson River

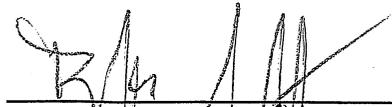
Reason for Referral:

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***

This application was referred to the Rockland County Department of Planning because it is within 500 feet of the Town of Clarkstown (at the mean high tide of the Hudson River). In a letter dated March 14, 2019, the Town of Clarkstown Planning Board determined that this matter is deemed for local determination. Therefore, the proposed special permit use and Building Inspector's administrative decision are 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
Donald S. Tracy

NORTH RIVER SHIPYARD (UN-69D)

**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.