



Rockland County

Ed Day, Rockland County Executive

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

October 8, 2019

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

Tax Data: 60.17-3-3

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

Map Date: 8/27/2019

Date Review Received: 9/12/2019

Item: *DANIEL SILBERT & ERIN REISS (UN-15B)*

Site plan for a 620 SF addition to the rear of a single-family dwelling located on 0.42 acres in the R-4 zoning district.

South side of Highmount Avenue, approximately 250 feet east of North Midland 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:

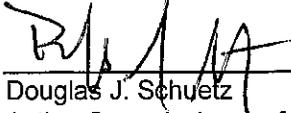
**Recommend the following modifications*

- 1 The Village of Nyack is the reason this proposal was referred to this department for review. The municipal boundary is approximately 120 feet south of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Nyack must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Upper Nyack.
- 2 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 3 There shall be no net increase in the peak rate of discharge from the site at all design points.

DANIEL SILBERT & ERIN REISS (UN-15B)

4 the following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process.

The bulk table provided on the site plan lists the proposed lot area as 18.482 SF. This should be corrected to 18,482 SF.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Karen Tarapata, Upper Nyack
Rockland County Department of Health

Axis Architectural Group
Village of Nyack

Daniel Silbert

**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.