

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 4, 2019

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

Tax Data: 59.20-2-1

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

Map Date: 10/18/2018

Date Review Received: 8/13/2019

Item: *THE REFORM TEMPLE OF ROCKLAND (UN-40A)*

Site plan to demolish some existing inlets, stairs, sidewalks, ramp, and paving so that drainage improvements and retaining walls can be constructed to remedy drainage issues. The existing front ramp will be reconstructed, as well as a portion of the parking lot and sidewalk. The parcel is located on 5.2 acres in the R-4 and OB zoning districts.

Western side of North Highland Avenue, opposite Riverton Drive

Reason for Referral:

North Highland Avenue (NYS Route 9W), Town of Clarkstown, Village of Nyack, the Long Path, Mountainview Nature Park

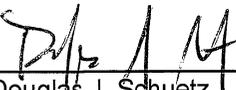
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 3 The Town of Clarkstown and the Village of Nyack are two of the reasons this proposal was referred to this department for review. The municipal boundary of Clarkstown is 420 feet west of the site, and the Manipl boundary of Nyack is 445 feet south of the site. As required under Section 239nn of the State General Municipal Law, the Town of Clarkstown and Village of Nyack must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Upper Nyack.

THE REFORM TEMPLE OF ROCKLAND (UN-40A)

- 4 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 6 All proposed signage shall conform to the Village standards.
- 7 A bulk table shall be provided that shows compliance with all bulk standards.
- 8 The map notes shall contain all necessary information, including district details.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Karen Tarapata, Upper Nyack
New York State Department of Transportation
Rockland County Department of Health
Rockland County Division of Environmental Resources
New York - New Jersey Trail Conference
Rockland County Drainage Agency

McLaren Engineering Group
Town of Clarkstown, Village of Nyack

**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.