



# 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

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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-40B)*

Special permit to allow an existing building to be used as a place of assembly, located on 5.2 acres in the OB and R-4 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 By definition, special permit uses are subject to a higher standard of review. The Village must be satisfied that the proposed place of assembly complies with the special permit standards outlined in Article IV, particularly Section 15:88.4.
- 2 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all 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 Manupal 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 special permit and provide any concerns related to the project to the Village of Upper Nyack.
- 4 A bulk table shall be provided that shows compliance with the requirements of the special permit and bulk standards of the zoning district.

**THE REFORM TEMPLE OF ROCKLAND (UN-40B)**

5 The map notes shall contain all necessary information, including district details.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

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

McLaren Engineering Group  
Town of Clarkstown, Village of Nyack

Susan Caminez

*\*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.*