



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 18, 2019

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

Tax Data: 60.06-1-7

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

Map Date: 10/21/2019

Date Review Received: 11/4/2019

Item: *WINKEL RESIDENCE (UN-97)*

Site plan to rebuild the carriage house foundation, excavate and repair the area behind the bulkhead, reconfigure the driveway, install french drains in the rear yard, install a new pool south of the building, and reconfigure the patio. The parcel is located on 6.26 acres in the R-1 zoning district.

East side of North Broadway, opposite Lewis Drive and Bexman Green at the north end

Reason for Referral:

Nyack Beach State Park, Town of Clarkstown

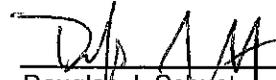
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the New York State Department of Environmental Conservation and any 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 is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the site. As required under Section 239nn of the State General Municipal Law, the Town of Clarkstown 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.
- 4 The floodplain Administrator for the Village of Upper Nyack shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

WINKEL RESIDENCE (UN-97)

- 5 The bulk table provided on the site plan shows asterisks after the existing building height and minimum setback from front street line, denoting a note is attached to these values. However, no note is included. These notes shall be provided, or the asterisks should be removed.
- 6 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- 7 There shall be no net increase in the peak rate of discharge from the site at all design points.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Karen Tarapata, Upper Nyack
New York State Department of Environmental Conservation
Rockland County Department of Health
Palisades Interstate Park Commission

Krypton Engineering
Town of Clarkstown

**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.