



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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

Arlene R. Miller
Deputy Commissioner

March 3, 2020

Upper Nyack Zoning Board of Appeals
328 North Broadway
Upper Nyack, NY 10960

Tax Data: 60.10-1-19

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/10/2020

Date Review Received: 2/13/2020

Item: 517 NORTH BROADWAY SUMMER KITCHEN (UN-100)

An appeal of the Building Inspector's decision to deny a permit for a second kitchen in an existing single-family dwelling on 1.65 acres in the R-2 zoning district. The proposed kitchen is intended primarily for summer entertainment use.

East side of North Broadway, approximately 275 feet north of Wyndendown Road

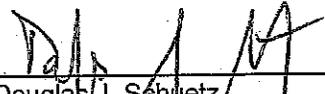
Reason for Referral:

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 Sheets A1.00 and A4.03 specify an incorrect tax lot identification number. The correct tax lot designation must be indicated on the drawings. All application materials must be consistent. If the public hearing notice contained incorrect information, it must be reissued and the hearing rescheduled.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Karen Tarapata, Upper Nyack

Joseph G. Thompson Architect, PLLC
Town of Clarkstown
Kyle Cauwenberghs, Montana Contracting

Raz Tirosh, 517 North Broadway, LLC

517 NORTH BROADWAY SUMMER KITCHEN (UN-100)

**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.