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

February 5, 2020

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

Tax Data: 60.06-1-6 60.06-1-5.2 60.06-1-5.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/11/2019 **Date Review Received:** 1/16/2020

Item: ***645, 647, & 649 NORTH BROADWAY (UN-21E)***

Site plan to construct gardens and walkways on three connected parcels located on a total of 5.87 acres in the R-1 zoning district. The gardens will be comprised of multiple landscaped beds, two fountains, a reflecting pool, and paved walkways. Stairs down to the beach area and a walkway to connect the two existing dwellings will also be constructed. Variances for maximum lot coverage are required for Lots 5.1 and 6.

East side of North Broadway, opposite Larchdale Avenue and Bexman Green

Reason for Referral:

Town of Clarkstown, Nyack Beach State 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 To help reduce the extent of the maximum lot coverage variance, pervious materials must be used where possible.

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 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.

4 There shall be no net increase in the peak rate of discharge from the site at all design points.

645, 647, & 649 NORTH BROADWAY (UN-21E)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Karen Tarapata, Upper Nyack
Palisades Interstate Park Commission
Rockland County Department of Health

Jay A. Greenwell, PLS
Town of Clarkstown

Tom Rybak & Associates

**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.