

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

April 20, 2020

Upper Nyack
328 North Broadway
Upper Nyack, NY 10960

Tax Data: 60.06-1-5.1

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

Map Date: 2/26/2020

Date Review Received: 3/16/2020

Item: 649 NORTH BROADWAY – AS BUILT SURVEY (UN-21G)

Development coverage variance to formalize the existing non-conforming coverage on a 3.23 acre site in the R-1 zoning district. The variance is required due to the installation of improvements in conjunction with a prior approval that went beyond the permitted coverage due to a widened driveway and turnaround area.

East side of North Broadway, opposite Larchdale Avenue

Reason for Referral:

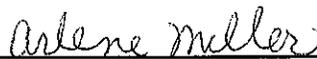
Town of Clarkstown, Nyack Beach State Park

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 reduce the extent of the maximum lot coverage variance, pervious pavers must be used where possible.
- 2 A review must be completed by the Rockland County Health Department, any comments or concerns addressed, and any required permits obtained.
- 3 The GML referral form specifies a 12/18/03 map date. It is unclear to what map this date refers. The As-Built Survey submitted with the application was last revised on 02/26/2020. This is the map date that must be indicated on the referral form.

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

for 

Douglas J. Schuetz
Deputy Acting Commissioner of Planning

649 NORTH BROADWAY – AS BUILT SURVEY (UN-21G)

Jay A. Greenwell, PLS, LLC
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.