

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

August 10, 2020

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

**Tax Data:**

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

**Map Date:**

**Date Review Received:** 7/15/2020

**Item:** *VILLAGE OF UPPER NYACK - EXT. OF TEMP. MORATORIUM ON SPECIAL PERMITS (UN-101A)*

An extension of a temporary moratorium on commercial or residential special use permits and special use permit renewal applications within the Village. The temporary moratorium will be extended until March 30, 2021 to provide sufficient time for the Village to continue and complete its review of the Draft Comprehensive Plan and any proposed implementing zoning law revisions.

Throughout the Village of Upper Nyack

**Reason for Referral:**

NYS Route 9W, Nyack Beach State Park, the Long Path, Town of Clarkstown, Hook Mountain State Park, Village of Nyack, 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:

**\*Approve**

Since the proposed extension of the temporary moratorium law will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Karen Tarapata, Upper Nyack  
New York State Department of Transportation  
Palisades Interstate Park Commission  
New York - New Jersey Trail Conference  
Rockland County Division of Environmental Resources  
  
Town of Clarkstown  
Village of Nyack

**VILLAGE OF UPPER NYACK - EXT. OF TEMP. MORATORIUM ON SPECIAL PERMITS (UN-101A)**

Caroi G. Brotherhood, Village Clerk

*\*The proposed action is deemed to have no significant negative impact on nearby municipalities, County or State roads or facilities, County Parks or Drainage Systems or the surrounding Neighborhood Character and, therefore, the ACTION IS FOR LOCAL DETERMINATION.*

*Approval does not necessarily mean we endorse this subject action as desirable from the viewpoint of your municipality.*

*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.*