

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

Richard M. Schiafo
Deputy Commissioner

September 04, 2025

Nyack Zoning Board of Appeals
9 North Broadway
Nyack, NY 10960

Tax Data: 65.35-1-10

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

Map Date: 08/18/2025

Date Review Received: 08/20/2025

Item: *Duzgund Retail Store - 45 Route 59 (GML-25-0460)*

Variance application to permit the construction of a commercial building to be used as a storage facility on a 0.164-acre lot in the CC zoning district. Variances are requested for lot area and rear yard.
South side of NYS Route 59, approximately 280 feet east of Waldron Avenue

Reason for Referral:

The Long Path Hiking Trail, State Route 59, NYS Thruway (I-87/287), 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 The New York State Department of Transportation shall be given the opportunity to review the proposal, any comments or concerns addressed, and any required permits obtained.
- 2 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 3 A review must be completed by the Rockland County Office of Fire and Emergency Services, Village of Nyack fire inspector, or the Central Nyack Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on site for emergency vehicles.
- 4 The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 130 feet south and 280 feet west of the site. The Town of Clarkstown must be given the opportunity to review the requested variances and provide any concerns regarding intercommunity and Countywide considerations related to the project to the Village of Nyack.

Duzgund Retail Store - 45 Route 59 (GML-25-0460)

- 5 There is a discrepancy on the site plan's bulk table. The tax map reference is listed as 66.21-1-10. This is incorrect, and must be corrected to 65.35-1-10.
- 6 The floor area ratio calculation must be provided on the site plan so its accuracy can be verified.
- 7 Any proposed signage must be shown on the site plan and conform to the Village requirements found in Section 360-4.11 of the Village Code. If any variances are required for signage, we request the opportunity to review them, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 8 Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County's Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 9 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County agencies are prohibited from issuing a county permit, license, or approval until the report is filed with the County's Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner's report approving the proposed action or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.
- 10 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The Board may have already addressed this point or may disregard it without any formal vote under the GML process:
- 10.1 A vicinity map that contains a north arrow and scale must be provided. The map must include zoning district information and municipal boundaries.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Joseph Rand, Nyack
New York - New Jersey Trail Conference
NYS Department of Transportation
NYS Thruway Authority
Rockland County Department of Health
Rockland County OFES
Rockland County Planning Board
Town of Clarkstown Planning Board
Anthony R. Celentano P.E.
Central Nyack Fire District
Lighthaus LLC

Duzgund Retail Store - 45 Route 59 (GML-25-0460)

*New York State General Municipal Law § 239(5) requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.

The review undertaken by the County of Rockland Department of Planning 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 determines whether the proposed action reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality referring the proposed action to render such opinions and make such determinations as 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.

Pursuant to New York State General Municipal Law §§ 239-m and 239-n, the referring body shall file a report of its final action with the County of Rockland Department of Planning within thirty (30) days after the final action. A referring body that 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.