

VILLAGE OF NYACK
BUILDING
NOV 04 2021
DEPARTMENT
RECEIVED

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

Helen Kenny Burrows
Deputy Commissioner

November 1, 2021

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

Tax Data: 66.46-1-16

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

Map Date: 10/5/2021

Date Review Received: 10/8/2021

Item: *87 PIERMONT AVENUE (N-201A)*

Variances to permit the construction of a single-family dwelling with a swimming pool located on 0.9 gross acres (0.14 deed acres) in the TFR zoning district. The required variances are for garage doors on an attached garage not set back more than four feet from the front façade and comprising more than 15 percent of the front façade.

East side of Piermont Avenue, approximately 125 feet north of Cedar Hill Avenue

Reason for Referral:

Town of Orangetown (at the Hudson River), Village of South Nyack

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 bulk table must be amended to include the maximum building coverage and minimum usable open space standards. The site must have a building coverage of less than 7 percent and at least 1,000 SF of usable open space, or additional variances will be required. If either variance is required, we request the opportunity to review it, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 2 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process:
 - 2.1 The site plan shall include map notes that list all appropriate information, including the district details.

87 PIERMONT AVENUE (N-201A)

2.2 Section 239-m.4.(b) of the New York State General Municipal Law specifies that a county planning agency shall have thirty days after receipt of a full statement of a proposed action, or such longer period as may have been agreed upon by the county planning agency and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations. The subject GML referral was received on October 8, 2021, with a November 1, 2021 meeting date specified. In the future, meetings must be scheduled at least 30 days after a GML referral is mailed to our department so that we may have sufficient time to complete our review.



Douglas U. Schuetz
Acting Commissioner of Planning

cc: Mayor Donald N. Hammond, Nyack
Rockland County Department of Health

Kier B. Levesque, R.A.
Town of Orangetown
Village of South Nyack

**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.

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

Map Date: 10/5/2021

Date Review Received: 10/8/2021

Item: *87 PIERMONT AVENUE (N-201)*

Site plan for the construction of a single-family dwelling with a swimming pool located on 0.9 gross acres (0.14 deed acres) in the TFR zoning district. Variances for the garage doors on an attached garage not set back more than four feet from the front façade and comprising more than 15 percent of the front façade are required.

East side of Piermont Avenue, approximately 125 feet north of Cedar Hill Avenue

Reason for Referral:

Town of Orangetown (at the Hudson River), Village of South Nyack

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 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and all required permits obtained.
- 2 The Town of Orangetown and Village of South Nyack are the two reasons this proposal was referred to this department for review. The municipal boundary of Orangetown is along the eastern border of the site, at the Hudson River. The municipal boundary of South Nyack is 125 feet south of the site. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Nyack.
- 3 The engineer of record shall certify to the floodplain administrator for the Village of Nyack that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 4 The 100 year floodplain shall be shown on the site plan. All development activity must be beyond the floodplain boundaries.

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5 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.

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

7 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

8 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

9 The bulk table must be amended to include the maximum building coverage and minimum usable open space standards. The site must have a building coverage of less than 7 percent and at least 1,000 SF of usable open space, or additional variances will be required. If either variance is required, we request the opportunity to review it, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

10 Pursuant to General Municipal Law (GML) Section 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 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.

11 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner 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.

12 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:

12.1 The site plan shall include map notes that list all appropriate information, including the district details.

12.2 Section 239-m.4.(b) of the New York State General Municipal Law specifies that a county planning agency shall have thirty days after receipt of a full statement of a proposed action, or such longer period as may have been agreed upon by the county planning agency and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations. The subject GML referral was received on October 8, 2021, with a November 1, 2021 meeting date specified. In the future, meetings must be scheduled at least 30 days after a GML referral is mailed to our department so that we may have sufficient time to complete our review.



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cc: Mayor Donald N. Hammond, Nyack
Rockland County Department of Health
Federal Emergency Management Agency

Kier B. Levesque, R.A.
Town of Orangetown

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Village of South Nyack

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