



**COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING**

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August 19, 2015

Nyack Village Board
9 North Broadway
Nyack, NY 10960

Tax Data: 66.39-1-2 66.39-1-1

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

Map Date: 4/1/2015

Date Review Received: 8/3/2015

Item: **TZ VISTA, LLC (N-64A)**

Zoning Code Amendments to change specific bulk requirements in the Waterfront Development (WF) District. The specific changes to the district include: 1) an increase in the maximum building width to correspond to the greater number of view corridors; 2) an increase in the maximum available FAR in return for more public access, provision of public art, and monetary contributions for waterfront improvements; and 3) an increase in the maximum building height in return for structured underground parking. These changes are being proposed so that a multi-family housing development can be constructed.

West side of the Hudson River and east side of Gadney Street, from Ackerman Place south to Main Street

Reason for Referral:

Town of Orangetown (at the Hudson River)

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 Village of Nyack Planning Board raised some excellent points in their review of the proposed zoning code amendments. We concur with their recommendations, and believe that the amendments to the zoning ordinance should be modified to include these suggestions.
- 2 In Exhibit D, the Section number that is being eliminated in Section 360-2.5 B.(2)(c) [1] should be noted.

TZ VISTA, LLC (N-64A)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jen White, Nyack

Ira Emanuel
Town of Orangetown

**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.