

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
Commissioner

Adam Carsen
Deputy Commissioner

September 01, 2026

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

Tax Data: 66.22-2-10

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

Map Date: 06/01/2026

Date Review Received: 07/31/2026

Item: *Andreas Roy - 1 Laveta Place (GML-26-0391)*

Site plan application to permit the rehabilitation of the existing shoreline soil-retention system and construct a terrace and stair access from the residential property to the shoreline. The proposed work will replace the shoreline-retaining elements, stabilize the steep slope, and restore disturbed areas. Erosion, sediment, turbidity, and spill-control measures will be used. The subject site is on 0.406 acres in the SFR-1 zoning district.

Southern terminus of Laveta Place

Reason for Referral:

Town of Orangetown (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 shall be satisfied that the proposed project is consistent with the Village's 2016 Comprehensive Plan, specifically Section 7.2.3 as it relates to the desire by the Village to further protect against sea level rise and storm surge by promoting "soft" (vegetated) shoreline treatments or riprap.
- 2 The Village of Nyack recently adopted a climate vulnerability and adaptation plan in 2025. This plan was created to increase the Village's resiliency to the impacts of climate change by researching the impacts of increased heat and heat waves, extreme weather events, sea level rise and storm surge, and climate change-related disease. This report and the accompanying website provide resources to private waterfront property owners including a link to the New York Sea Grant's Best Practices for Managing the Shoreline (<https://storymaps.arcgis.com/collections/804750dafc1a4ef9a4a230134303e9cb?item=4>). The link provides information on hybrid or nature-based shoreline management techniques, which utilize natural features

paired with structural elements to provide stabilization and reduce flooding. Hybrid shoreline stabilization reduces risk while increasing ecological function of the area through habitat creation and water filtration. We strongly recommend the applicant consider the use of hybrid shoreline stabilization instead of the structural method currently proposed.

- 3 According to the NYSDEC Hudson Valley Natural Resource Mapper (<https://gisservices.dec.ny.gov/gis/hvnm/>) the site includes known important areas for rare and aquatic animals, and in the Hudson River just to the south of the site is a patch of documented submerged aquatic vegetation. One of the most significant threats to biodiversity is habitat destruction, alteration, and fragmentation. We urge the applicant and Village to consider the ecological impacts to biodiversity by hardening the shoreline, and again recommend the applicant consider hybrid shoreline management techniques as described above.
- 4 The site plan indicates that trees, shrubs, vines, and undergrowth will be removed from an approximately 2,000 square foot section along the Hudson River. The Village must be satisfied that any trees removed meet the criteria outlined under Section 360-5.18C of the Village Code, and that any shrubbery removed will not exacerbate any shoreline erosion on adjacent parcels.
- 5 The proposed project may require a permit from the US Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. The United States Army Corps of Engineers must be given the opportunity to review the proposal, any comments or concerns addressed, and any required permits obtained.
- 6 A review must be done by the Rockland County Department of Health and any comments or concerns addressed.
- 7 The Town of Orangetown is the reason this proposal was referred to this department for review. The municipal boundary is along the Hudson River, which runs along the east side of the property. 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.
- 8 The proposed project partially encroaches into the 100-year floodplain of the Hudson River according to the maps made available to the Rockland County GIS division via the FEMA Flood Map Service Center. 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.
- 9 Retaining walls shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- 10 This department recommends that the applicant use plants that are native to New York for any proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer, pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local waterbodies. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website: https://extapps.dec.ny.gov/docs/lands_forests_pdf/factnatives.pdf. Please also see this link to the Sustainable Landscaping page: <https://dec.ny.gov/get-involved/living-green/sustainable-landscaping>
- 11 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, local land use boards 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.

- 12 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, where the County Commissioner of Planning has recommended modification or disapproval of the proposed action, 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.



Douglas Schuetz
Commissioner of Planning

cc: Mayor Joseph Rand, Nyack
NYS Department of Environmental Conservation
Rockland County Department of Health
Rockland County Planning Board
United States Army Corps of Engineers
Town of Orangetown Planning Board
AHA Marine Engineering, D.P.C.
Indigo River Architecture and Engineering, D.P.C.

*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.