



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

January 2, 2014

ARLENE R. MILLER
Deputy Commissioner

Wesley Hills Planning Board
432 Route 306
Wesley Hills, NY 10952

Tax Data: 32.17-1-5

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

Date Review Received: 12/2/2013

Map Date: 3/12/1964

Item: DR. MICHAEL ALCEE (WHI-132)

Special permit application to allow a home business in an existing single-family residence on 1.21 acres in an R-50 zoning district.
Southeast side of Haverstraw Road, 1,175 feet northeast of Lime Kiln Road

Reason for Referral:

Haverstraw Road (NYS Route 202), Town of Ramapo, Mahwah 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 home business complies with the general standards for special permit uses outlined in Section 6.5, as well as the individual standards and requirements listed in Section 6.9.11
- 2 A review shall be completed by the New York State Department of Transportation and all required permits obtained.

Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Mayor David Goldsmith, Wesley Hills
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Health
Town of Ramapo

DR. MICHAEL ALCEE (WHI-132)

Dr. Michael Alcee

**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.