

**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*

**Arlene R. Miller**  
*Deputy Commissioner*

October 3, 2016

Wesley Hills Zoning Board of Appeals  
432 Route 306  
Wesley Hills, NY 10952

**Tax Data:** 41.15-1-43

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 8/8/2016

**Date Review Received:** 8/17/2016

**Item:** *FRIEDMAN RESIDENCE - REVISED GML REVIEW (Whi-140)*

Variance for maximum building coverage to allow the construction, maintenance and use of an addition to a single-family residence on .8081 acres in an R-35 zoning district.  
South side of Moccasin Place, opposite Bedford Road

**Reason for Referral:**

Town of Ramapo, Grandview Ave (CR 80)

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***

Please note that Comment #3 has been revised to eliminate the reference to a subdivision.

- 1 A review must be completed by the Rockland County Highway Department and all required permits obtained.
- 2 The applicant must comply with the conditions of the Rockland County Sewer District #1's September 1, 2016 letter.
- 3 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Grandview Avenue, approximately 215 feet south of the site. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposal and provide any concerns related to the project to the Village of Wesley Hills.
- 4 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.

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- 5 The site plan shall contain map notes that list all appropriate information, including the district details.
- 6 A north arrow and scale must be provided on the vicinity map.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills  
Rockland County Department of Highways  
Rockland County Sewer District #1  
Rockland County Department of Health  
  
Mayerfield Architecture PLLC  
Town of Ramapo

Leah Friedman

*\*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.*