Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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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: 41.09-1-20

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/14/2016 **Date Review Received:** 8/31/2016

Item: ***GOLDENBERG RESIDENCE (Whi-142)***

Variances for side yard and total side yard to permit the construction, maintenance and use of an addition to a single-family dwelling on 1.469 acres in an R-50 zoning district.
East side of Wesley Chapel Road, approximately 20 feet south of Tasha Drive

Reason for Referral:

Willow Tree Brook

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 Rockland County Drainage Agency, and all required permits obtained.

2 Several questions on the Short Environmental Assessment Form (SEAF) are answered incorrectly. We recommend that the applicant use the NYS Department of Environmental Conservation's EAF Mapper Tool to generate a partially completed SEAF. The site is not within, and does not adjoin, a state listed Critical Environmental Area so the answer to Question 7 is no. Lands adjoining the site contain wetlands or other bodies regulated by a federal, state or local agency. Question 13 must be answered affirmatively as the Willow Tree Brook, a county-regulated stream is within 60 feet of the site. According to the EAF Mapper, the site is also in an archeological sensitive area, and contains species of animals, or associated habitats, listed by the State or Federal government as threatened or endangered. Therefore, Questions 12.b. and 15 must also be answered affirmatively.

3 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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4 The site plan shall contain map notes that list all appropriate information, including the district details.

5 A vicinity map must be provided on the site plan.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
Rockland County Drainage Agency
Rockland County Department of Health

Anthony R. Celentano P.L.S.

Michael Goldenberg

**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.