

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 20, 2016

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

Tax Data: 41.15-2-4

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 10/26/2016

Date Review Received: 11/16/2016

Item: **AARON & CHAYA METZGER (Whi-48A)**

Variances for side yard, total side yard, rear yard, building height, building coverage and impervious coverage to allow the conversion of an existing, attached garage to living space, and the construction, maintenance and use of a detached garage on .2059 acres in an R-35 zoning district. Pre-existing, non-conformities include lot area, street frontage, lot width, front yard and front yard impervious coverage. East side of Route 306, approximately 445 feet north of Lois Lane and 620 feet south of Kentor Lane

Reason for Referral:

NYS Route 306

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 New York State Department of Transportation and all required permits obtained.
- 2 The bulk table must include all applicable R-35 bulk standards.
- 3 The applicant must comply with the conditions of the Rockland County Health Department's letter of November 21, 2016.
- 4 The applicant must comply with the conditions of the Rockland County Sewer District # 1's letter of December 2, 2016.
- 5 The Building Inspector's November 10, 2016 denial letter does not indicate that a rear yard variance is required although it is listed on the bulk table. All application materials must be consistent. If the notice for the public hearing did not include all required variances, it will have to be reissued.

AARON & CHAYA METZGER (Whi-48A)

6 The site plan must include a vicinity map, and the parcel identification number must be indicated. In addition, the site plan shall contain map notes that list all appropriate information, including the district details.



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Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1

Robert Hoene, Architect

Aaron Metzger

**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.