

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

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

March 10, 2017

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

**Tax Data:** 42.13-1-21

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

**Map Date:** 1/19/2017

**Date Review Received:** 2/2/2017

**Item:** *C & R GROUP/15 McNAMARA ROAD (Whi-141A)*

Wetlands permit and site plan application for a single-family dwelling on .1749 acres in an R-35 zoning district.

South side of McNamara Road, approximately 320 feet northwest of Union Road

**Reason for Referral:**

McNamara Road (CR 67), New Hempstead Road/Union Road (CR 80), Village of New Hempstead

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 Planning Board must be satisfied that the proposed construction conforms to the minimum standards required for a wetlands permit as outlined in Chapter 221 of the Village Code.
- 2 A review must be completed by the Rockland County Highway Department and all required permits obtained.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of September 1, 2016.
- 4 The applicant must comply with the conditions of the Rockland County Health Department's letter of February 3, 2017.

**C & R GROUP/15 McNAMARA ROAD (Whi-141A)**

5 The Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The municipal boundary is along McNamara Road and the northern property line of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Village of New Hempstead must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal

6 There shall be no net increase in the peak rate of discharge from the site at all design points.

7 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

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

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills  
Rockland County Department of Highways  
Rockland County Drainage Agency  
Rockland County Department of Health  
Rockland County Sewer District #1

Anthony R. Celentano P.L.S.  
Village of New Hempstead

C & R Group of Rockland Inc.

*\*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.*

**C & R GROUP/15 McNAMARA ROAD (Whi-141A)**

*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.*

