



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 11, 2017

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

Tax Data: 41.15-1-41

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

Map Date: 9/20/2017

Date Review Received: 11/21/2017

Item: *GOLDBERG - 2 CAMBRIDGE (Whi-58A)*

An application for a variance of maximum impervious surface ratio to allow an addition to an existing single-family residence on 0.82 acres in the R-35 zoning district.

The northeastern corner of Grandview Avenue and Cambridge Road.

Reason for Referral:

The Town of Ramapo, Grandview Avenue (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***

- 1 The site plan shall contain map notes, including district information.
- 2 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is adjacent to the southern property line. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed variance and provide any concerns related to the project to the Village of Wesley Hills.

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3 Aerial photographs indicate that substantial areas of impervious surfaces were added to the site between 2007 and 2010, after the pool described in the narrative was constructed. This would indicate that the existing non-conformity was self-created. As the elimination of approximately 1,070 square feet of impervious surface would bring the property into compliance, the village must consider the use of pervious pavers in lieu of granting the variance.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
Rockland County Department of Highways

Anthony R. Celentano P.L.S.
Town of Ramapo

**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.