

**DEPARTMENT OF PLANNING**

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

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

April 24, 2017

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

**Tax Data:**

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

**Map Date:**

**Date Review Received:** 3/13/2017

**Item:** *VILLAGE OF WESLEY HILLS - WIRELESS TELECOMMUNICATIONS FACILITIES (Whi-143A)*

Amendment to Local Law, Chapter 230 of the Code of the Village of Wesley Hills, for the Regulation of Wireless Telecommunications Facilities.

Throughout the Village of Wesley Hills

**Reason for Referral:**

State and County roads and parks; County streams and facilities; adjacent municipalities

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 Section 230-26M.(5)(l) must add the following to the paragraph: For any Wireless Telecommunications Facility located directly on a State highway or County road, a review must be made by the appropriate agency, and all required permits obtained. This must also be stated in Section 230-26M.(6) as well, if the street facility is located on a State or County highway.
- 2 Section 230-26M.(5)(j) should be expanded to indicate that the Village can require a balloon test with photo simulation to help analyze the visual impact of the proposed wireless telecommunications facility.
- 3 A review shall be completed by the New York State Department of Transportation, and any concerns or comments addressed.
- 4 A review shall be completed by the Rockland County Department of Highways, and any concerns or comments addressed.

**VILLAGE OF WESLEY HILLS - WIRELESS TELECOMMUNICATIONS FACILITIES (Whi-143A)**

5 Since there are hiking trails, located within the view shed of the Village of Wesley Hills, the Palisades Interstate Park Commission and the Rockland County Division of Environmental Resources must be given the opportunity to review any proposed wireless communications facility. This review should include an assessment of the visual impact of the proposed facility to the parkland.

6 The proposed amendments must note that when a specific site falls within the purview of the General Municipal Law, that the Rockland County Department of Planning, as well as any affected agency, be notified of the proposed wireless telecommunications facility, and be given the opportunity to review and comment on the application.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

- cc: Mayor Marshall Katz, Wesley Hills
- New York State Department of Transportation
- Palisades Interstate Park Commission
- Rockland County Department of Highways
- Rockland County Drainage Agency
- Rockland County Sewer District #1
- Rockland County Division of Environmental Resources
  
- Town of Ramapo
- Villages of Montebello, New Hempstead, & Pomona

*\*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.*