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 17, 2018

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

Tax Data: 41.06-1-67

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/29/2018 **Date Review Received:** 11/19/2018

Item: ***45 WILDER ROAD (Whi-151)***

A wetlands permit to construct a new single-family dwelling on 1.01 acres in the R-50 zoning district. An existing structure and driveway are to be removed. The parcel is existing, non-conforming for lot area. The western side of Wilder Road (CR 81), approximately 630 feet south of Lime Kiln Road (CR 84).

Reason for Referral:

Wilder Road (CR 81)

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 applicant must comply with the comments made by the Rockland County Department of Highways in their letter of November 9, 2018.

2 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

3 A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.

4 Available digital maps indicate that federal wetlands are present on the property. If there is any encroachment into the Federal wetlands, a review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

45 WILDER ROAD (Whi-151)

5 The foundation location survey, dated August 15, 2018, indicates that silt fencing has been installed within the delineated wetlands. All erosion control measures must be installed outside the delineated wetlands. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.

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

7 The site plan shall contain map notes, including district information, and a vicinity map with a north arrow and scale.

8 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

9 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Sewer District #1
United States Army Corps of Engineers

Anthony R. Celentano P.L.S.

**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.