

**DEPARTMENT OF PLANNING**

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

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

March 28, 2018

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

**Tax Data:** 41.10-2-3

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

**Map Date:** 6/2/2017

**Date Review Received:** 3/2/2018

**Item:** **CONGREGATION DERECH EMES - 34 WILDER ROAD (Whi-126C)**

A special permit and site plan application to construct a 3,200 sq. ft. addition to an existing structure for use as a neighborhood gathering/synagogue on 0.92 acres in the R-35 zoning district. Variances are required for side yard and impervious surface ratio.

The eastern side of Wilder Road, approximately 265 feet north of Carter Lane.

**Reason for Referral:**

Wilder Lane (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 all comments made by the Rockland County Department of Highways in their letter of March 7, 2018.
- 2 The applicant must comply with all comments made by the Rockland County Sewer District #1 in their letter of March 19, 2018.
- 3 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.
- 4 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.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.

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- 6 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 7 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.
- 8 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 9 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Wesley Hills Fire Inspector, or the Monsey Fire District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 10 The location of the trash dumpster/refuse container must be illustrated on the site plan. Access to the dumpster must be unimpeded, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.
- 11 The site plan provided has been reduced in size and is not to scale. A full-sized site plan, which contains map notes with district information and vicinity map with a north arrow and scale, must be provided.
- 12 As the parking spaces serviced by the existing driveway will be eliminated, and because the proposed impervious surface ratio greatly exceeds the maximum limit, the existing driveway must be removed. The site plan must be amended to indicate the abandonment of the existing driveway, which will also reduce the number of road openings on the County highway.
- 13 To help reduce the extent of the impervious surface ratio variance required for the site, pervious pavers and/or other materials must be used wherever possible.
- 14 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 15 The applicant must comply with all landscaping and buffering requirements found in section 230-53 of the village zoning regulations. At a minimum, a landscaping plan must be submitted that includes low evergreen landscaping or a berm that shields neighboring residential properties and the county road from the headlights of vehicles in the parking lot.
- 16 The applicant must comply with all special permit requirements for neighborhood gatherings as per section 230-26.G of the village zoning regulations.
- 17 A turnaround area must be provided for parking space #18.
- 18 Handicap-accessible parking spaces must conform to ADA requirements, be clearly delineated on the site plan, and be located near the entrance. Sidewalks must be provided from these spaces to the entrance.
- 19 The designated street line must be labelled on the site plan.
- 20 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.
- 21 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.

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22 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 Highways  
Rockland County Sewer District #1  
Rockland County Department of Health  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
  
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.*

