

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 23, 2020

Wesley Hills Zoning Board of Appeals

432 Route 306

Wesley Hills, NY 10952

Tax Data: 41.14-1-62

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

Map Date: 7/24/2020

Date Review Received: 8/28/2020

Item: *FRIEDMAN - 12A MARTHA ROAD (Whi-164)*

A variance application to construct a new single-family residence, with a pool and pool house, on a rear lot with 1.84 acres in the R-50 zoning district. An existing residence is to be removed. Variances are requested for rear yard, maximum impervious surface ratio, and maximum front yard impervious surface ratio.

The eastern side of Martha Road, approximately 440 feet south of Grandview Avenue

Reason for Referral:

Grandview Avenue (CR 80), Village of Montebello, Town of Ramapo

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 Village of Montebello and the Town of Ramapo are two of the reasons this proposal was referred to this department for review. The Montebello boundary is approximately 195 feet west of the parcel, and the Ramapo boundary is approximately 435 feet northwest of the parcel, within the right-of-way of Grandview Avenue. 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 Montebello and the Town of Ramapo 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

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service. The areas of countywide concern noted above that directly impact these municipalities must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 2 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of September 11, 2020.
- 3 A review must be completed by the County of Rockland Sewer District No. 1 and any required permits obtained from them.
- 4 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.
- 5 The site plan provided has been reduced in size and is not to-scale. A full-sized, to-scale site plan must be provided.
- 6 The proposed circular driveway has an exterior diameter of approximately 75 feet. In order to reduce the extent of both of the impervious surface variances, the circular driveway must be reduced in size or eliminated.
- 7 To help reduce the extent of the impervious surface ratio variances required for the site, pervious pavers and/or other porous materials must be used wherever possible,
- 8 The GML referral form indicates that the property is located within the R-35 zoning district, not R-50, and the acreage of the parcel is 0.66 acres, not 1.84. The form must be corrected.
- 9 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.
- 10 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

Civil Tec
Village of Montebello
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.*

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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.