



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Pomona, New York 10970

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 7, 2020

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

Tax Data: 41.06-1-19

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

Map Date: 11/17/2019

Date Review Received: 12/11/2019

Item: **SCHWARTZ/5 ROBLE ROAD (Whi-158)**

Variances to permit the construction of a 4,090 SF single-family dwelling located on 0.84 acres in the R-50 zoning district. The variances required include maximum front yard impervious surface, maximum building coverage, and building height.

Western side of Roble Road, approximately 488 feet north of Lime Kiln Road

Reason for Referral:

Lime Kiln Road (CR 84), 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:

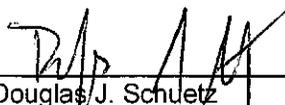
****Recommend the following modifications***

- 1 As per their letter dated December 16, 2019, an application is to be made to the Rockland County Department of Health to ensure compliance with the County Mosquito Code.
- 2 The applicant must comply with the comments made by the Rockland County Sewer District No. 1 in their letter of December 16, 2019.
- 3 The project description on the Referral Form states a variance for building height is required. However, the bulk table and project narrative do not state the need for this variance. It must be clarified if a building height variance is required, and the appropriate forms corrected. If the public hearing notice was issued with incorrect information, it must be reissued with an accurate list of the required variances.
- 4 The site plan shall include map notes that list all appropriate information, including the district details. In addition, the site shall be centered on the vicinity map.

SCHWARTZ/5 ROBLE ROAD (Whi-158)

5 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.

6 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 Engineering & Surveying PC

Heather Schwartz

**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.