

**DEPARTMENT OF PLANNING**

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

**Arlene Miller**  
*Deputy Commissioner*

July 8, 2020

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

**Tax Data:** 41.06-1-31

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

**Map Date:** 5/20/2020

**Date Review Received:** 6/25/2020

**Item:** *WEISS RESIDENCE - 7 CAREFREE LANE (Whi-162)*

A variance application to construct an addition, a pool with a patio, a pool house, extend an existing deck and make interior alterations to an existing single-family dwelling on a flag lot with 1.25 acres in the R-50 zoning district. Variances are requested for side yard, total side yard, building coverage, impervious surface ratio, and maximum ground floor area of an accessory building.

The western side of Carefree Lane, approximately 580 feet south of Lime Kiln Road

**Reason for Referral:**

Lime Kiln Road (CR 84)

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 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.
- 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 The application review form and narrative summary do not indicate that a variance is required for maximum impervious surface ratio. The application review form and the bulk table do not indicate that a variance is required for the maximum ground floor area of an accessory building. The form, narrative, and bulk table must be amended to include all required variances. The public hearing notice must be reviewed and, if it contains incomplete or inaccurate information, re-issued.
- 4 To help reduce the extent of the impervious surface ratio variance required for the site, pervious pavers and/or other porous materials must be used wherever possible.

**WEISS RESIDENCE - 7 CAREFREE LANE (Whi-162)**

5 The map notes on the site plan must include district information, a to-scale vicinity map must be provided, and the site plan must be signed and stamped by the engineer.

6 The Village must be satisfied that the proposed pool house will only be used for recreational purposes by the residents of the primary structure, and must not be rented separately or used as an additional dwelling unit.

7 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.

8 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.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills  
Rockland County Department of Health  
Rockland County Department of Highways  
Thomas W. Skrable, P.E.

*\*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.*