



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 5, 2020

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

Tax Data: 41.11-1-19

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

Map Date: 1/8/2020

Date Review Received: 1/13/2020

Item: *WESLEY HILLS CENTER - 455 ROUTE 306 (Whi-40D)*

A site plan application to install an emergency generator for an existing supermarket on 5.73 acres in the NS zoning district.

The western side of Route 306, opposite Greg Sikorsky Drive

Reason for Referral:

NYS Route 306

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:

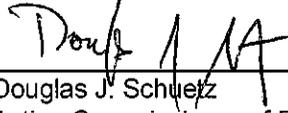
**Recommend the following modifications*

- 1 As per the January 27, 2020 letter from the Rockland County Department of Health, an application must be made to them for compliance with the County Mosquito Code, should the board require a stormwater management system.
- 2 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of January 21, 2020.
- 3 The western boundary of the parcel contains federal wetlands. If any disturbance of wetlands is proposed, an application must be made to the United States Army Corps of Engineers.
- 4 The site plan shall contain map notes, including district information, a bulk table, and a vicinity map with a north arrow and scale.
- 5 The GML referral form indicates that the site has an area of 0.67 acres. The form must be corrected, as the parcel is 5.73 acres.
- 6 As a condition of approval, periodic testing of the proposed generator must be limited to standard business hours in order to minimize the noise impacts to surrounding properties.

WESLEY HILLS CENTER - 455 ROUTE 306 (Whi-40D)

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.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Atzl, Nasher & Zigler, P.C.

**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.