



BUILDING DEPT.

NOV 27 2023

DEPARTMENT OF PLANNING

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VILLAGE OF WESLEY HILLS

Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
Deputy Commissioner

November 27, 2023

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

Tax Data: 41.09-1-28

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 09/11/2023

Date Review Received: 11/03/2023

Item: *YITZCOCK WIEDER/49 TRANQUILITY ROAD (Whi-203)*

Wetlands permit to allow the construction of an addition to an existing single-family dwelling located on 1.15 net acres (1.93 gross acres) in the R-50 zoning district.

East side of Tranquility Road, north side of Wesley Chapel Road, approximately 600 feet south of Joy Road

Reason for Referral:

Spook Rock Road (CR 85), Willow Tree Brook

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 Drainage Agency, and any required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
- 3 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.
- 4 The applicant shall comply with the comment made by the Rockland County Highway Department in their letter dated November 20, 2023.
- 5 Since there is encroachment into the 100-foot wetland buffer area, a review must be completed by the United States Army Corps of Engineers (USACOE) and all required permits obtained. If a Section 404 USACOE permit is required, then a Section 401 Water Quality Certification will be required from the NYS Department of Environmental Conservation.

YITZCOCK WIEDER/49 TRANQUILITY ROAD (Whi-203)

6 According to the New York Natural Heritage Program's (NHP) database, as is reflected on the Hudson Valley Natural Resources Mapper (<https://gisservices.dec.ny.gov/gis/hvnrml/>), a majority of the site is located within the riparian buffer of the Willow Tree Brook. The NHP has identified riparian buffers to highlight important streamside areas that influence stream dynamics and health. Well-vegetated riparian buffers intercept stormwater runoff, filter sediment and nutrients, and help attenuate flooding. Natural buffers also support unique and diverse habitats, and often serve as wildlife travel corridors. The DEC has found the Willow Tree Brook to be a low-condition stream. The Village must consider the potential impacts of the proposed development on the on-site wetlands and the Willow Tree Brook.

7 The engineer of record shall certify to the floodplain administrator for the Village of Wesley Hills that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

8 We request the opportunity to review any variances that may be needed to implement the proposed development, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

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.

11 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process:

11.1 This application was officially received by the Rockland County Planning Department on November 3, 2023. The application materials indicate that the public hearing will be held on November 27, 2023. As a reminder, State General Municipal Law, Section 239 (m) 4.(b) states that "Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a full statement of such proposed action, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations." Adequate time must be provided to the Rockland County Planning Department in order for us to do our review before the public hearing is scheduled and the matter heard before the board.

11.2 The actual building height and exposed building height proposed must be indicated on the bulk table, rather than "< 25'" and "<40'," respectively. The bulk table shall not include estimations.

11.3 The plot plan must contain a vicinity map that has a north arrow and scale.



 Douglas J. Schuetz
 Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
 New York State Department of Environmental Conservation
 Rockland County Department of Health
 Rockland County Drainage Agency
 Rockland County Highway Department

YITZCOCK WIEDER/49 TRANQUILITY ROAD (Whi-203)

Rockland County Sewer District No. 1
United States Army Corps of Engineers
Paul Gdasnki, PE, PLLC

Rockland County Planning Board Members

**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 County of Rockland Department of Planning 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 County of Rockland Department of Planning 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 presumptive 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 County of Rockland 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.