

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

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

**Richard M. Schiafo**  
*Deputy Commissioner*

July 17, 2024

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

**Tax Data:** 41.06-1-26

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

**Map Date:** 06/12/2024

**Date Review Received:** 07/11/2024

**Item:** *Congregation Anshei Chesed - 62 Lime Kiln Road (GML-24-0109)*

An amended site plan and special permit to demolish the single-family residence currently on the site, and to adjust the footprint and remove one story from a previously approved two-story neighborhood house of worship. The 1.21-acre parcel is located in the R-50 zoning district.

The southern side of Lime Kiln Road, approximately 190 feet east of Wilder Road

**Reason for Referral:**

County Route 84 - Lime Kiln Rd, County Route 81 - Wilder Rd

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 shall be satisfied that the proposed Neighborhood Gathering complies with the general standards for special permit uses outlined in Section 230-22, as well as the individual standards and requirements listed in Section 230-26G.
- 2 An updated review must be completed by the Rockland County Highway Department, any comments or concerns addressed, and all required permits obtained.
- 3 An updated review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
- 4 A review of the June 12, 2024 site plan shall be completed by the Rockland County Sewer District No. 1 and all required permits obtained. In addition, the applicant must satisfy the conditions of their June 7, 202 letter.

**Congregation Anshei Chesed - 62 Lime Kiln Road (GML-24-0109)**

- 5 A review of the Fire Truck Turn plan must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Wesley Hills Fire Inspector, or the Monsey Fire District to ensure that the site is designed in a safe manner and that there is easy access to the structure, in the event of an emergency.
- 6 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- 7 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- 8 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 9 Sections 360-26G(1)(c) requires that a neighborhood gathering must comply with the impervious surface ratio and front yard impervious surface ratio requirements with those requirements for a single-family dwelling within the same zoning district. In addition, Section 260-26G(1)(d) states that the maximum building coverage is 0.15. The bulk table on the June 12, 2024 revision of the site plan leaves these three requirements blank for the proposed neighborhood gathering. These standards must be provided, and their calculations shown to confirm their accuracy. If any variances are needed from these standards, we request the opportunity to review them, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 10 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 11 The snow storage areas must be revised. The western storage area is comprised of landscaping. This landscaping will be damaged by the weight of the snow and salt intrusion. The Village shall determine whether the remaining snow storage areas are sufficient, or if this area needs to be relocated.
- 12 The Planning Board shall be assured that the row of Dwarf Boxwoods along the northern lot line are sufficiently tall and dense to block the headlights of parked cars from shining into the County right-of-way. In addition, this department recommends that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer, pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local waterbodies. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website:  
<https://www.dec.ny.gov/get-involved/living-green/sustainable-landscaping>
- 13 The Village shall be satisfied that the proposed lighting plan demonstrates the intensity of the candle lumens is less than 0.1 at the property line.
- 14 All proposed signage must be shown on the site plan and conform to the Village requirements found in Chapter 230, Article XI, and Section 230-26G(1)(i) of the Village Code. If any variances are required for the signage, we request the opportunity to review them, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 15 Pursuant to New York State General Municipal Law (GML) Sections 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's 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.
- 16 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017,

**Congregation Anshei Chesed - 62 Lime Kiln Road (GML-24-0109)**

County agencies are prohibited from issuing a county permit, license, or approval until the report is filed with the County's Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner's 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 Highway Department  
Rockland County OFES  
Rockland County Planning Board  
Rockland County Sewer District No. 1  
Monsey Fire District  
Sparaco & Youngblood, PLLC

\*New York State General Municipal Law § 239(5) 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 determines whether the proposed action reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality referring the proposed action to render such opinions and make such determinations as 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.

Pursuant to New York State General Municipal Law §§ 239-m and 239-n, the referring body shall file a report of its final action with the County of Rockland Department of Planning within thirty (30) days after the final action. A referring body that 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.