

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
Deputy Commissioner

June 11, 2025

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

Tax Data: 41.14-1-9

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

Map Date: 01/13/2025

Date Review Received: 05/06/2025

Item: *4 Grand Park Drive ZBA (GML-25-0246)*

A variance application to permit the construction of a single-family residence with a semi-circular driveway, in-ground pool, cabaña and tennis court on 1.18 acres in the R-50 zoning district. The existing dwelling is to be removed. Variances are requested for impervious surface ratio, front yard impervious surface ratio, and driveway slope-first 20 feet.

East side of Grand Park Drive, approximately 180 feet north of Grandview Avenue.

Reason for Referral:

Grandview Av (County Route 80), Town of Ramapo, Village of Montebello And Wesley Hills, Village of Montebello, Village of Wesley Hills

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 This department cautions the Village in granting variances for impervious surface. Granting impervious surface variances can set a precedent that may result in nearby property owners seeking the same relief. Oversized residential structures with increased impervious surface area is resulting in neighborhoods characterized by greater building mass, less green space and can result in increased localized flooding and degradation of water quality. To help reduce the extent of the impervious surface variance required, this department recommends the incorporation of green infrastructure such as pervious pavers and/or other porous materials.
- 2 The applicant must comply with all comments made by the Rockland County Sewer District No.1 in their letter of May 12, 2025.

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- 3 It appears that several large trees will need to be removed. The Village should be assured that appropriate permits are obtained and trees replaced as may be required by local code.
- 4 The Plot Plan dated 1/13/2025 outlines a list of 10 drawings. We received only three, the Title Page(C-001), Profiles (C-200), Coverage Areas (C-210). This list identifies a Site Plan (C--020) and other documents that were not included. Instead the complete set of drawings received are dated 11/11/2024. We request the opportunity to review any updated or more current plans.
- 5 As required by New York State General Municipal Law, Section 239 please refer any site plan applications for the proposed project to this Department for review.
- 6 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.
- 7 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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Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
Rockland County Highway Department
Rockland County Planning Board
Rockland County Sewer District No. 1
Town of Ramapo Planning Board
Village of Montebello Planning Board
Village of Wesley Hills Planning Board
Joel Vaccaro, PE

*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.