



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
Deputy Commissioner

February 8, 2024

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

Tax Data: 40.16-1-10.21

RECEIVED
VILLAGE OF WESLEY HILLS

FEB 8 2024

BUILDING,
PLANNING & ZONING

Re: **GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M
Map Date: 01/08/2024

Date Review Received: 01/22/2024

Item: **BASSIE HURWITZ/89 SPOOK ROCK ROAD (Whi-50D)**

Impervious surface variance to allow a portion of an existing driveway to remain in the side yard of a single-family dwelling after a subdivision was approved by the Planning Board showing these areas were to be removed. The 1.01-acre lot is located in the R-50 zoning district.

West side of Spook Rock Road, approximately 30 feet north of Oren Court


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 The applicant must comply with the comments made by the Rockland County Highway Department in their letter dated January 24, 2024.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
Rockland County Drainage Agency
Rockland County Highway Department
Sparaco & Youngblood, 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.*

BASSIE HURWITZ/89 SPOOK ROCK ROAD (Whi-50D)

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 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 §299-a(8), 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.